









**JOURNAL**  
OF THE  
**HOUSE**  
SESSION OF 1971

EVANS PRINTING COMPANY, CONCORD, N. H.

*Wednesday, 6Jan71*

The House met at 11:00 o'clock.

On the first Wednesday in January in the year of our Lord, one thousand nine hundred and seventy one, being the day designated by the Constitution for assembling of that body, the one hundred and forty second General Court of the State of New Hampshire convened at the Capitol in the City of Concord, and the representatives-elect were called to order by J. Milton Street, Clerk of the House for the preceding session.

Prayer was offered by House Chaplain, Rev. William L. Shafer of East Rochester as follows:

ALMIGHTY GOD — as we prepare to begin this 142nd Session of the New Hampshire General Court, we pause to reflect upon those events that have brought us together to be servants in this "House of Democracy", and to remember the challenges that prompted each of us to pursue this noble way of service. Having offered ourselves to be the voice of our constituents, we now offer ourselves to Thee, that our lives may be guided by Thy Word and touched by Thy Presence, that we would serve with honor in the noble cause of truth and justice. Endow each member with Thy blessing of health, strength, and courage as they undertake the responsibilities of public office this day. Grant Thy blessing upon our beloved "Granite State", in Thy Name may we serve her and her citizens in all that we do here. Amen.

Rep. Hayes led the Pledge of Allegiance.

## CALL OF THE ROLL

390

### BELKNAP COUNTY:

Urie, French, Lawton, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Mutzbauer, Hood, McCarthy, Drouin, Huot, Head, Prescott, Dulac, Randlett, Maguire, Whittemore.

## CARROLL COUNTY:

Howard, Donald K., Cox, Davis, Esther M., Lagroe, Hayes, Conley, Davis, Dorothy W., Webster, Chase, Russell C., Claflin, Hughes.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Forbes, Trowbridge, Yardley, Cournoyer, Forcier, McGinness, Allen, Bennett, Johnson, Elmer L., Halvorson, Coughlin, Dunham, Hacker, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Saunders, Heald, Cleon E., Streeter, Moran, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Cook, Huggins, Noyes, Bushey, Hunt, Mayhew, Drake, Lee, Burns, O'Hara, Oleson, Dubey, Fortier, Roy, Desilets, Studd, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon, Theriault, Kidder, Richardson, Mabel L.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Tilton, Higgins, McGee, Brummer, Chamberlin, LaMott, Mann, Ezra B., Anderson, Menge, Bradley, David H., Nutt, Radway, Gemmill, Dow, Foster, Duhaime, Roger M., Tremblay, Dudley, Merrill, Altman, Blain, Buckman, Bell, Sears, Bradley, Richard L., Mitchell, Hopkins.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Sawyer, Barnard, Knight, Monier, Poehlman, Weillbrenner, Colburn, Daloz, Mann, Arthur F., Murray, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Brocklebank, Hall, Belzil, Bouchard, Maurice L., Cobleigh, Parker, Gerry F., Record, Belcourt, Trombley, Cote, Peter R., Drabinowicz, Mason, Desmarais, Gardner, Cleon J., Lachance, Chamard, Cote, Margaret S., O'Neil, Robert, Aubut, Boisvert, Wilfred A., Grandmaison, Davidson, Ouellette, Sirois, Bissonnette, Coutermarsh, Gabriel, Alukonis, Bednar, Keeney, Rodgers, Cares, Peabody, Arthur H., Dwyer, Lyons, Bridges, Harvell, VanLoan, Abbott, Ainley,

Daniels, Milne, Zachos, Ackerson, Montplaisir, Murphy, Francis, Bruton, Cote, Joseph L., Dion, Duhaime, Armand L., McDermott, Manning, Spirou, Walsh, Barrett, Clancy, Healy, Lomazzo, Lynch, John T., McDonough, Boisvert, Emile E., Leclerc, Simard, Campono, Champagne, Chevrette, Derome, Lemieux, Raiche, St. Onge, Robinson, Belanger, Lynch, Doris T., O'Connor, James P., Sweeney, Clear, Lamy, Murphy, Dennis J., Levasseur, Martineau, Nalette, Allard, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

#### MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Hardy, Parker, Harry C., Reddy, Hanson, Enright, Riley, Gamache, Gordon, Little, Bartlett, Avery, Perkins, Kopperl, Thompson, Doris L., Burleigh, Dempsey, Chapley, Greeley, Mattice, Humphrey, James A., Michels, Cate, York, Edward H., Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, Howland, MacDonald, Sanders, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley B., Tarr.

#### ROCKINGHAM COUNTY:

Fernald, Stimmell, Wilson, Helen F., Griffin, Margaret A., Boucher, Soule, Adams, Gay, MacGregor, Read, Lovell, Belair, Gelt, Morrison, O'Neil, Robert E., Sayer, Smith, Philip A., Clark, Ernest D., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Greenwood, Goodrich, Vey, Sewall, Twardus, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Hamel, Randall, Cheney, George L., Fiske, Casassa, Cunningham, Langley, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Maynard, McEachern, Chandler, Griffin, Ruth L., Quirk, Connors, Dame, Palfrey, Bowles, Jameson, Levy, Woods, Bowlen, Croft.

#### STRAFFORD COUNTY:

McIntire, Brown, Canney, Smith, Elmer C., Stevenson, Douglas M., Beckett, Clark, Shirley M., Cochrane, Tirrell, Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Dumais, Towle, Ineson, Thompson, Barbara C., Carignan, Ruel, Beau-doin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Blanchette, Leighton, Peabody, Raymond B., Bernard, Webber, Fellows,

Mudgett, Young, DeWolfe, Kinney, Parnagian, Richardson, Harriett W. B., Maglaras.

SULLIVAN COUNTY:

Townsend, Chase, Donald R., Gaffney, Rousseau, Angus, Campbell, Nahil, Spaulding, Roma A., Barrows, Burrows, D'Amante, Downing, Flint, Saggiotes, Shulins, Frizzell, Galbraith, Fleming, Williamson.

Rep. Hackler offered the following resolution:

Resolved that a committee of three be appointed by the Clerk to wait upon His Excellency the Governor and inform him that a quorum of the House is assembled and requests his attendance.

The resolution was adopted and the Clerk appointed Reps. Gelt, Bell and Tarr to wait upon His Excellency the Governor and inform him that a quorum of the House is assembled and requests his attendance.

His Excellency, the Governor, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Council, and the following 390 named ladies and gentlemen, having presented their credentials, were duly qualified by His Excellency as members of the House of Representatives by taking and subscribing the oath of office agreeably to the provisions of the Constitution.

Rep. Bowles nominated Rep. James E. O'Neil as Temporary Chairman.

Reps. Raiche and Malcolm Stevenson seconded the motion.

Rep. Vachon moved that all nominations be closed and that the Clerk be instructed to cast one ballot for Rep. James E. O'Neil as Temporary Chairman.

Adopted, and the Clerk cast one ballot for Rep. James E. O'Neil as Temporary Chairman.

(Rep. James E. O'Neil in the Chair)

Rep. O'Neil addressed the House briefly as to the procedure in electing the Speaker.

Rep. Coutermarsh nominated Rep. Raiche as Speaker of the House, seconded by Reps. Radway, Robinson and Cares.

Rep. Zachos nominated Rep. Cobleigh as Speaker of the House, seconded by Reps. Bridges, Trowbridge and Coburn.

Rep. Sayer nominated Rep. Joseph M. Eaton as Speaker of the House, seconded by Reps. Brummer, Donald Howard and Malcolm Stevenson.

Rep. Coutermarsh moved that nominations be closed.

Adopted.

Rep. Sayer moved to proceed to the election of a Speaker by secret ballot.

Rep. Raiche moved election of a Speaker by secret ballot.

The question being whether the vote should be by secret ballot for Speaker.

Rep. Zachos spoke against the motion.

Rep. Bednar spoke in favor of the motion.

(Discussion ensued)

The Chair stated the question before the House was whether the vote for speaker would be by the yeas and nays or by secret ballot.

Reps. Radway, Wilfred Boisvert and Brungot spoke in favor of the motion.

Rep. Trowbridge spoke against the motion.

(Discussion ensued)

Reps. Williamson, Elmer Johnson, Lawton, Sayer and Cares spoke in favor of the motion.

Rep. Vachon moved the previous question and it was sufficiently seconded.

The question before the House being on the previous question whether the vote will be by the yeas and nays or by secret ballot.

## ROLL CALL

YEAS 218

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., McGee, Brummer, Chamberlin, Mann, Ezra B., Menge, Radway, Duhaime, Roger M., Tremblay, Buckinan, Sears, Bradley, Richard L., Mitchell.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Barnard, Knight, Monier, Poehlman, Weillbrenner, Colburn, Karnis, Eaton, Clyde S., Heald, Philip C., Carter, Coburn, Bragdon, Belzil, Belcourt, Trombley, Cote, Peter R., Drabinowicz, Mason, Desmarais, Gardner, Cleon, J., Lachance, Charnard, Cote, Margaret, S., O'Neil, Robert, Aubut, Boisvert, Wilfred A., Grandmaison, Ouellette, Sirois, Bissonnette, Coutermarsh, Alukonis, Bednar, Rodgers, Cares, Peabody, Arthur H., Dwyer, Ainley, Daniels, Ackerson, Murphy, Francis, Bruton, Cote, Joseph L., Dion, Duhaime, Armand L., McDermott, Manning, Spirou, Walsh, Barrett, Clancy, Healy, Lomazzo, Lynch, John T., McDonough, Boisvert, Emile E., Leclerc, Simard, Campono, Champagne, Chevrette, Derome, Lemieux, Raiche, St. Onge, Robinson, Belanger, Lynch, Doris T., O'Connor, James, P., Sweeney, Clear, Lamy, Murphy, Dennis J., Levasseur, Martineau, Nalette, Allard, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

## MERRIMACK COUNTY:

Hardy, Riley, Gamache, Gordon, Little, Bartlett, Avery, Perkins, Thompson, Doris L., Dempsey, Chapley, Humphrey, James A., York, Edward H., Cheney, Charles H., Howland, Tarr.

## ROCKINGHAM COUNTY:

Fernald, Wilson, Helen F., Boucher, Soule, Adams, MacGregor, Belair, O'Neil, Robert E., Sayer, Smith, Philip A., Greenwood, Sewall, Twardus, Randall, Maynard, McEachern, Connors, Palfrey, Levy, Woods, Bowlen, Croft.

## STRAFFORD COUNTY:

McIntire, Canney, Smith, Elmer C., Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Dumais, Ineson, Carignan, Ruel, Beaudoin, Sylvain, Dunlap, Preston, Tripp, Blanchette, Leighton, Peabody, Raymond B., Bernard, Webber, Young, Kinney, Richardson, Harriett W. B., Maglaras.

## SULLIVAN COUNTY:

Gaffney, Rousseau, Campbell, Nahil, Barrows, Burrows, D'Amante Downing, Williamson.

## BELKNAP COUNTY:

Lawton, Wilkinson, Hood, Drouin, Huot, Dulac, Randlett, Whittemore.

## CARROLL COUNTY:

Howard, Donalda K., Cox, Lagroe, Davis, Dorothy W., Webster.

## CHESHIRE COUNTY:

Forbes, Cournoyer, Forcier, McGinness, Bennett, Johnson, Elmer L., Mallat, Saunders.

## COOS COUNTY:

Cook, Huggins, Bushey, Hunt, Mayhew, O'Hara, Oleson, Dubey, Fortier, Roy, Desilets, Studd, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Theriault, Kidder.

NAYS 169

## GRAFTON COUNTY:

Tilton, Higgins, LaMott, Anderson, Bradley, David H., Nutt, Gemmill, Dow, Foster, Dudley, Merrill, Altman, Blain, Bell.

## HILLSBOROUGH COUNTY:

Sawyer, Daloz, Mann, Arthur F., Murray, Warren, Ferguson, Spalding, Kenneth W., Brocklebank, Hall, Bouchard, Maurice L., Cobleigh, Parker, Gerry F., Record, Davidson, Gabriel, Keeney, Lyons, Bridges, Harvell, Van Loan, Abbott, Milne, Zachos, Montplaisir.

## MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Parker, Harry C., Reddy, Hanson, Enright, Kopperl, Burleigh, Greeley, Mattice, Michels, Davis, Alice, Haller, McLane, Miner, Filides, Underwood, MacDonald, Sanders, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley B.

## ROCKINGHAM COUNTY:

Stimmell, Griffin, Margaret A., Gay, Read, Lovell, Gelt, Morrison, Clark, Ernest D., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Goodrich, Vey, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Hamel, Cheney, George L., Fiske, Cassassa, Cunningham, Langley, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Chandler, Griffin, Ruth L., Quirk, Dame, Bowles, Jameson.

## STRAFFORD COUNTY:

Brown, Stevenson, Douglas M., Beckett, Clark, Shirley M., Cochrane, Tirrell, Towle, Thompson, Barbara C., Balomenos, Fellows, Mudgett, DeWolfe, Parnagian.

## SULLIVAN COUNTY:

Townsend, Chase, Donald R., Angus, Spaulding, Roma A., Flint, Saggiotes, Shulins, Frizzell, Galbraith, Fleming.

## BELKNAP COUNTY:

Urie, French, Roberts, Charles B., Nighswander, Wuelper, Roberts, George B., Mutzbauer, McCarthy, Head, Prescott, Maguire.

## CARROLL COUNTY:

Davis, Esther M., Hayes, Conley, Chase, Russell C., Claf-  
lin, Hughes.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Trowbridge, Yardley, Allen, Halvorson, Coughlin, Dunham, Hackler, Raymond, Vogel, Ames, Heald, Cleon E., Streeter, Moran, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Noyes, Drake, Lee, Burns, Richardson, Mabel L.

218 members having voted in the affirmative and 169 members having voted in the negative, the motion for a secret ballot carried.

The House proceeded to vote by secret ballot.

The Chair declared a one hour recess.

## RECESS

## AFTER RECESS

389 ballots cast; 195 necessary for election; Raiche 87, Cobleigh 189 and Eaton 113. No candidate elected and the Chair called for a second ballot.

## SECOND BALLOT

385 Votes cast; 193 necessary for election; Raiche 48, Cobleigh 216, Eaton 118. Three ballots spoiled.

The Chair declared Rep. Cobleigh elected Speaker of the House.

(Speaker in the Chair)

The Speaker addressed the house as follows:

The struggle for the Office of Speaker of the House is now over. The campaigns have been waged, the vote taken and your choice known. To those of you who supported me, I offer my sincere thanks for your vote of confidence. To those who opposed my candidacy, I offer my hand in friendship, and my hope that we can begin anew — here — today.

To all, I pledge to continue to do the best job I know how as your Speaker.

The citizens of the State of New Hampshire have charged each and every one of us with the responsibilities of office and now we must carry forth those responsibilities. I call upon each of you, regardless of your stand in the election, to unite; not as Republicans or Democrats, liberals or conservatives, but standing together as one body of men and women — The New Hampshire House of Representatives.

You and I know, that as fragmented groups, with selfish interest, filled with hate, bent on revenge and determined to foil the others' efforts, this House will accomplish nothing. We all have important issues before us of mutual concern. Working together, with a common goal in mind we can find fair and reasonable solutions to the problems facing us. United in a common cause, we will, despite past differences, meet the pressing needs of the people of New Hampshire.

I have spoken before on the subject of making the legislature a co-equal partner in state government, and I will continue to do so, until such time as that dream becomes a true reality. I plan to see that ideal become a fact in the 1971 Legislature; insuring that this body, working together with the Senate, will be an efficient, organized, problem-solving arm of government. No longer can we be satisfied with simply rubber-stamping the various bills that come before us.

We must initiate programs, not just pass bills. We must assess problems, study solutions, consider all courses of action and then act. The Legislature *will* then be performing its job as a functioning unit of government, working to find the answers to the problems of our state.

I recognize the fact that not all of us can nor will agree on all issues which come before this House. You, as individuals, representing your districts have the right to maintain your own "political identity". I expect no one to relinquish his privilege of free speech and right to a differing view. And I will not compromise my rights and duties as your Speaker.

I have been working in the past several months, on a legislative program for this session. I have had the issues and problems which are the most pressing and which will confront us here, carefully reviewed and studied, and recommendations have been made. It is a forward-looking, positive program, not a backward, reactionary one. A week from Tuesday, I intend to

bring it forth as the program of the House leadership. I will work on the floor of the House to see it through to its successful passage.

This program is not the result of hasty, last-minute efforts, but is the compilation of months of work on the part of many, many people. It is sound and it is viable. It will, like all legislation, be put before you for your study and consideration.

And while this and other legislation is under study, I will preside over the House with the intention of insuring that we do come up with sound, reasonable, and responsible results. I will not only preside fairly as the Speaker of the House but much more than that, I will endeavor to provide the necessary leadership to guarantee that the operations of the House are conducted in the most efficient and business-like manner. Working together, we shall provide the best solutions to the problems facing us today, and in the days ahead.

I am confident that moving together as a positive force, we can accomplish great things for the State of New Hampshire.

This is my goal; this is my aspiration; that at the end of our term we can say with quiet pride, we worked together to solve the problems facing the people of our State.

I hope we can do this together.

Rep. Raiche offered the following resolution.

#### RESOLUTION

*Resolved* that, J. Milton Street of Sharon, Clerk; Paul Brown of Derry, Assistant Clerk; Theodore Aucella of Bennington, Sergeant-at-Arms; Lloyd E. Fogg of Milan, Florence T. Gould of Wentworth and Herbert R. Richardson of Randolph, Doorkeepers be elected by acclamation.

Adopted.

Rep. Kenneth W. Spalding offered the following resolution.

#### RESOLUTION

*Resolved*, that the Honorable Senate be informed that the House of Representatives has organized by the choice of Marshall Cobleigh as Speaker, J. Milton Street as Clerk, Paul Brown

as Assistant Clerk, Theodore Aucella as Sergeant-at-Arms and Herbert R. Richardson, Lloyd E. Fogg and Florence M. Gould as Doorkeepers.

Adopted.

Rep. Zachos offered the following resolution.

#### RESOLUTION

*Resolved*, that the House is ready to meet with the honorable Senate in joint convention for the purpose of electing a Secretary of State and a State Treasurer and for canvassing the votes for Governor and Councilors.

Adopted.

Rep. Macdonald offered the following resolution.

#### RESOLUTION

*Resolved*, that the Speaker of the House be authorized to employ one custodian of mails and supplies, one warden of the coat room, one telephone messenger, other pages and messengers, and such professional assistants and consultants as may be deemed necessary and, with the approval of the Appropriations committee, fix their compensation.

Adopted.

Rep. McLane offered the following resolution.

#### RESOLUTION

*Resolved*, that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary.

Adopted.

Rep. Michels offered the following resolution.

#### RESOLUTION

*Resolved*, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the Clerk, within three legislative days, to confirm and correct the perma-

nent Journal. The permanent Journal as thus prepared by the Clerk or as corrected by the House shall be the official record of the House, and be it further

*Resolved*, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections of the same.

Adopted.

## SENATE MESSAGE

The Senate has voted to meet with the House of Representatives in Joint Convention for the purpose of canvassing the votes for Governor and Councilors and for the election of Secretary of State and State Treasurer.

## JOINT CONVENTION

Sen. Porter offered the following

### CONC. RESOLUTION NO. 2

*Resolved*, that the Honorable Secretary of State be requested to lay before the convention the returns of votes for Governor and Councilors.

Adopted.

Robert L. Stark, Secretary of State, appeared before the joint convention and laid the returns of the votes for Governor and Councilors cast in the last General Election;

### FOR GOVERNOR

	Peterson	Crowley	Thomson
Belknap	4,973	3,637	1,674
Carroll	3,662	2,292	1,084
Cheshire	8,295	4,339	854
Coos	4,427	6,118	1,034
Grafton	8,331	4,513	3,176
Hillsborough	23,450	43,466	5,606
Merrimack	13,812	9,018	2,989
Rockingham	21,556	12,563	3,550
Strafford	9,497	8,425	963
Sullivan	4,295	3,727	1,103
Totals	102,298	98,098	22,033

Walter Peterson having a plurality of all votes, was elected Governor.

### FOR COUNCILORS

#### First District:

Lyle E. Hersom, Northumberland, r and d	28,910
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#### Second District:

Robert E. Whalen, Rye, r	23,376
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Robert F. Preston, Hampton, d	19,241
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Plurality for Whalen	4,135
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#### Third District:

John S. Walsh, Manchester, d	23,249
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Joseph J. Acorace, Manchester, r	21,170
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Plurality for Walsh	2,079
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#### Fourth District:

Bernard A. Streeter, Jr., Nashua, r	30,880
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Dennis J. Sullivan, Nashua, d	18,911
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Plurality for Streeter	11,969
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#### Fifth District:

James H. Hayes, Concord, r	25,375
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Melvin R. Bolden, Loudon, d	11,153
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Plurality for Hayes	14,222
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Rep. Maurice L. Bouchard offered the following conc. resolution.

### HOUSE CONC. RESOLUTION NO. 3

*Resolved*, that the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

Adopted.

The Speaker appointed Reps. Scamman and Weeks and the President appointed Sen. Poulsen.

Sen. Nixon and Rep. Shirley Clark offered the following conc. resolution.

## HOUSE CONG. RESOLUTION NO. 4

*Resolved*, that the Convention proceed with the election of a Secretary of State.

Adopted.

Sen. Nixon nominated Robert L. Stark, seconded by Rep. Shirley Clark.

Rep. Belanger moved nominations be closed and that the Clerk be instructed to cast one ballot for Robert L. Stark as Secretary of State.

The Clerk cast one ballot for Robert L. Stark as Secretary of State, and he was declared elected.

Rep. Bigelow and Sen. S. Smith offered the following conc. resolution.

## HOUSE CONG. RESOLUTION NO. 5

*Resolved*, that the Convention proceed with the election of a State Treasurer.

Adopted.

Rep. Bigelow nominated Robert Flanders as State Treasurer, seconded by Sen. Stephen Smith.

Rep. Gay moved that nominations be closed and that the Clerk be instructed to cast one ballot for Robert Flanders as State Treasurer.

Adopted.

The Clerk cast one ballot for Robert Flanders as State Treasurer, and he was declared elected.

Rep. Zachos offered the following resolution.

## HOUSE CONG. RESOLUTION NO. 6

*Resolved*, that a committee of nine be appointed by the Chair to wait upon the Honorable Walter Peterson and inform him officially of his election as Governor of the State of New Hampshire.

Adopted.

The Chair appointed Reps. Michels, James O'Neil, Trowbridge, Merrill, Gelt, Allen.

Sens. Roger Smith, Nixon, Provost.

Sen. Snell offered the following resolution.

#### HOUSE CONC. RESOLUTION NO. 7

*Resolved*, that a committee of six be appointed by the Chair to wait upon the Honorable Councilors: Lyle E. Hersom, Robert E. Whalen, John S. Walsh, Bernard A. Streeter, Jr., and James H. Hayes and inform them officially of their election to the Honorable Council.

Adopted.

The Chair appointed Reps. Williamson, Barker, Spollett, Gemmill.

Sens. Smith, Morrisette.

Rep. George Roberts offered the following Resolution.

#### HOUSE CONC. RESOLUTION NO. 8

*Resolved*, by the House of Representatives, the Senate concurring:

That the Speaker of the House of Representatives and the President of the Senate be and hereby are authorized to take over immediately such rooms in the state house or annex as may be necessary for the use of said House of Representatives and Senate for any legislative purposes.

Adopted.

The Hon. Secretary of State and State Treasurer appeared before the Speaker and were duly sworn into office.

On motion of Sen. English the Joint Convention rose.

#### HOUSE

Rep. Shirley Welch offered the following resolution.

## RESOLUTION

*Resolved*, that the Clerk of the House be instructed to procure 1500 copies of the legislative manual (Black Book) .

Adopted.

Rep. Michels offered the following resolution.

## RESOLUTION

*Resolved*, that a committee of ten members, one from each county, be appointed by the Chair to select some suitable person to act as Chaplain during the present session of the legislature and report such election to the House for consideration.

Adopted.

Rep. Trowbridge offered the following resolution.

## RESOLUTION

*Resolved*, that the Speaker appoint a committee of three to assign seats to the members.

Adopted.

The Speaker appointed Reps. Michels, MacDonald, Coutermarsh.

Rep. Greene offered the following resolution.

## RESOLUTION

*Resolved*, that the Speaker be authorized to appoint a committee of three to procure and assign suitable hearing rooms for various committees of the House.

Adopted.

The Speaker appointed Reps. George Roberts, Trowbridge, Drabinowicz.

Rep. Andrews offered the following resolution.

## RESOLUTION

*Resolved*, that the Sergeant-at-Arms of the House be instructed to procure and furnish to each member of the House and officers thereof, during the days when the House is in ses-

sion, one daily newspaper published in the state, each member and officer to choose the paper he desires to have and indicate the same to the Sergeant-at-Arms forthwith.

Adopted.

Rep. Enright offered the following resolution.

### RESOLUTION

*Resolved*, that the salary of the members of the House of Representatives be so divided that any member may receive one-fourth of his salary monthly for the first three months, the balance to be paid at the adjournment of the session, and be it further

*Resolved*, that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

Rep. Reddy offered the following resolution.

### RESOLUTION

*Resolved*, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be pro rated where service is received for portions of the session only. All fees will be payable in advance.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid in to the state treasury and credited to the legislative appropriation. Any house attache who works overtime to furnish any of the services hereunder shall be allowed such additional sum for his overtime services as the Appropriation Committee shall deem fair and reasonable.

Adopted.

Rep. James E. O'Neil moved the adoption of the House Resolution regarding the Rules.

### RESOLUTION

*Resolved*, that the rules of the House of Representatives adopted by the 1969 Session be adopted as the rules of the present session with the following amendments:

That Paragraph 1 of House Rule 32 be amended to read as follows:

The following standing policy committees to consist of not more than twenty-three members each, shall be appointed at the commencement of any session: Committees on Appropriations; Banks and Insurance; Claims, Military and Veterans Affairs; Constitutional Revision; Education; Environmental Quality and Agriculture; Executive Departments and Administration; Fish and Game; Judiciary; Labor, Human Resources and Rehabilitation; Legislative Administration, to include subcommittees on Journal, Elections, Mileage, and House Resolutions and Screening; Liquor Laws; Municipal and County Government; Public Health and Public Welfare; State Institutions; Public Works; Resources, Recreation and Development; Statutory Revision; Transportation and Aeronautics; and Ways and Means.

That Paragraph 2 of House Rule 32 be amended to read as follows:

The following administrative committees shall be appointed at the commencement of any session: Committee on Rules, consisting of eight members, one of whom shall be the Speaker; and Committee on Interstate Cooperation, consisting of nine members.

and provided that said rules may be amended by a majority vote only at any time prior to January 14, 1971.

(Discussion ensued)

Rep. O'Neil explained the resolution.

Adopted.

Reps. Hayes and Raiche offered the following resolution.

## RESOLUTION

*Resolved*, that we the Members of the House of Representatives in General Court convened, do hereby express our appreciation to James O'Neil for the efficient fulfillment of his duties as Temporary Chairman, which were carried out in his usual fair and impartial manner.

Adopted.

Rep. James E. O'Neil offered the following resolution.

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 3 through 62 and House Joint Resolutions numbered 1 through 5 and Concurrent Resolutions Proposing Constitutional Amendments numbered 1 through 3 and House Concurrent Resolution 1 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading & reference

HCR 1, Resolution Requesting Congress To Call A Convention For the Purpose of Amending the U. S. Constitution to Provide for Intergovernmental Sharing of Federal Income Tax Revenue.

HB 3, establishing a hearing board to review and make recommendations to the legislature regarding claims against the state. (Eaton of Hillsborough Dist. 2, Weeks of Rockingham Dist. 23 — To Judiciary.)

HB 4, prohibiting a person from holding at one time the offices of representative and county commissioner. (Allen of Cheshire Dist. 8 — To Municipal and County Government.)

HB 5, relative to powers and duties of New England Interstate Water Pollution Control Commission. (Urie of Belknap Dist. 1 — To Executive Department sand Administration.)

HB 6, relative to the power of Hesser College to grant degrees. (Ainley of Hillsborough Dist. 27 — To Statutory Revision.)

HB 7, relative to the taxation of farm, forest, recreation and wild land. (Weeks of Rockingham Dist. 23, Heald of Hillsborough Dist. 10, Tilton of Grafton Dist. 1 — To Ways and Means.)

HB 8, making correction in the laws relative to retail businesses. (Zachos of Hillsborough Dist. 27 — To Statutory Revision.)

HB 9, prohibiting the use of motor boats on Chocorua Lake. (Conley of Carroll Dist. 4 — To Resources, Recreation and Development.)

HB 10, exempting motor vehicles of migrant agricultural workers from reciprocal registration for a limited period. (Gay of Rockingham Dist. 5 — To Transportation.)

HB 11, to provide for the annual election of officials of Lebanon School District at the same time as the election of city or state officials. (Merrill of Grafton Dist. 13 — To Special Committee — Lebanon Delegation.)

HB 12, amending the Lebanon city charter to provide for three-year terms for city councilors, three to be elected annually. (Merrill of Grafton Dist. 13 — To Special Committee — Lebanon Delegation.)

HB 13, relative to open season on fisher. (Cate of Merrimack Dist. 20 — To Fish and Game.)

HB 14, allowing the secretary of state with the approval of the attorney general to revoke the charter of corporations for failure to file return and to pay annual fees. (Clark of Strafford Dist. 4 — To Statutory Revision.)

HB 15, relative to the practice of public accountancy and making an appropriation therefor. (Raymond of Cheshire Dist. 13 — To Executive Departments and Administration.)

HB 16, permitting charitable organizations to hold raffles. (Walsh of Hillsborough Dist. 31, Levasseur of Hillsborough Dist. 38 — To Statutory Revision.)

HB 17, relative to the incompatibility of positions in state service. (Cate of Merrimack Dist. 20, Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 18, relative to preparation of budget for University of New Hampshire. (Lawton of Belknap Dist. 2 — To Education.)

HB 19, relative to optional time for payment of taxes and repealing provisions for discount for early payment of taxes. (Greene of Rockingham Dist. 22 — To Municipal and County Government.)

HB 20, imposing a real estate tax on a portion of state owned property. (Cate of Merrimack Dist. 20 — To Ways and Means.)

HB 21, relative to use of funds held by the Trustees of the Boscawen Academy in Boscawen. (Mattice of Merrimack Dist. 17 — To Statutory Revision.)

HB 22, relative to shooting animals hunted by dogs. (Cate of Merrimack Dist. 20 — To Fish and Game.)

HB 23, relative to taxing certain properties of religious organizations. (Cate of Merrimack Dist. 20 — To Ways and Means.)

HB 24, relative to tax exemption for veterans organizations. (Cate of Merrimack Dist. 20 — To Claims, Military and Veterans Affairs.)

HB 25, relative to taxation of charitable organizations. (Cate of Merrimack Dist. 20 — To Ways and Means.)

HB 26, relative to taxation of electrical generating plants. (Cate of Merrimack Dist. 20 — To Ways and Means.)

HB 27, to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor. (Urie of Belknap Dist. 1; Russell Chase Dist. 7; Fuller of Merrimack Dist. 26; Weilbrenner of Hillsborough Dist. 4 — To Resources, Recreation and Development.)

HB 28, authorizing the director of fish and game to make all regulations relative to the taking of deer, fur-bearing animals and game birds. (Varrill of Rockingham Dist. 16 — To Fish and Game.)

HB 29, imposing a tax on community antenna television systems, and regulating their operations as a public utility. (Cate of Merrimack Dist. 20 — To Ways and Means.)

HB 30, relating to fees for commission as a justice of the peace or to a notary public and other fees. (Andrews of Merrimack Dist. 1 — To Municipal and County Government.)

HB 31, relative to filing of annual returns by corporations. (Roberts of Belknap Dist. 6 — To Statutory Revision.)

HB 32, providing for county contributions to tuition paid for the education of handicapped children. (Barker of Cheshire Dist. 17 — To Municipal and County Government.)

HB 33, relating to fishing without a license by patients at the Dartmouth Hitchcock Mental Health Center. (Radway of Grafton Dist. 9 — To Fish and Game.)

HB 34, providing a reduced tax on certain community housing property for the elderly. (Cate of Merrimack Dist. 20 — To Ways and Means.)

HB 35, prohibiting the distribution or posting of buttons, cards or any printed matter on behalf of a candidate for election within one half mile of a polling place. (Noble of Merrimack Dist. 27 — To Judiciary.)

HB 36, establishing five o'clock as the closing hour for filings in all cases relative to elections. (French of Belknap Dist. 2 — To Statutory Revision.)

HB 37, to clarify certain provisions of law relative to psychologists and relative to increase in fees. (McLane of Merrimack Dist. 23 — To Executive Departments and Administration.)

HB 38, changing the due date for the payment of unclaimed pari-mutuel pool ticket money to the state treasurer. (Dubey of Coos Dist. 6 — To Statutory Revision.)

HB 39, controlling and limiting the use of fertilizers, the sale and use of certain soaps and detergents, and the construction and cleaning of private septic tanks and other sewage disposal systems. (Andrews of Merrimack Dist. 1 — To Resources, Recreation and Development.)

HB 40, relative to the control of algae and other aquatic nuisances and providing a bond issue therefor. (Urie of Belknap Dist. 1; Fuller of Merrimack Dist. 26 — To Resources, Recreation and Development.)

HB 41, prohibiting the speaking of obscenities in public. (O'Neil of Cheshire Dist. 12 — To Judiciary.)

HB 42, providing that persons imprisoned for offenses against order and decency may be committed to a county jail. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 43, relative to the power of White Pines College to grant degrees. (Benton of Rockingham Dist. 12 — To Education.)

HB 44, to reclassify a certain section of highway in the town of Benton. (Chamberlin of Grafton Dist. 5 — To Public Works.)

HB 45, to reclassify certain sections of highway in the town of Newmarket. (Sewall of Rockingham Dist. 14 — To Public Works.)

HB 46, to reclassify a class V highway in the town of Sutton to a class II highway. (Sherman of Merrimack Dist. 2 — To Public Works.)

HB 47, relative to traffic surveys and truck weight surveys. (Bragdon of Hillsborough Dist. 12 — To Public Works.)

HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation. (Drake of Coos Dist. 3 — To Education.)

HB 49, relative to the unauthorized removal of national or state flags while they are on display. (Sawyer of Hillsborough Dist. 3 — To Judiciary.)

HB 50, providing for a study of Pontook Dam on the Androscoggin River, and making an appropriation therefor. (Kidder of Coos Dist. 10 — To Public Works.)

HB 51, imposing a tax upon retail sales. (Galbraith of Sullivan Dist. 7 — To Ways and Means.)

HB 52, to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission. (Belanger of Hillsborough Dist. 36 — To Ways and Means.)

HJR 1, providing additional funds for board of professional engineers. (Prescott of Belknap Dist. 10 — To Executive Departments and Administration.)

HJR 2, appropriating funds for the demolition of the old post office building and for the preparation of plans for the construction of an office building on the site. (Noble of Merrimack Dist. 27 — To Public Works.)

HJR 3, for appropriation for carrying out provisions of statute relative to regional agreements for educational facilities for the dental education of New Hampshire residents. (Frizzell of Sullivan Dist. 7 — To Education.)

HJR 4, in favor of the New Hampshire Veterans Association. (Sawyer of Hillsborough Dist. 3; Duhaime of Hillsborough Dist. 29 — To Claims, Military, and Veterans Affairs.)

HJR 5, to pay town of Dummer for revenue lost due to the taking of Pontook Dam. (Kidder of Coos Dist. 10 — To Public Works.)

HB 53, changing the effective date of a charter approved by the voters of the city of Laconia. (Randlett of Belknap Dist. 11; Huot of Belknap Dist. 9 — To Special Committee — Laconia Delegation.)

HB 54, legalizing the special town meeting held in the town of Newbury on May 23, 1970. (Sherman of Merrimack Dist. 2 — To Statutory Revision.)

HB 55, prohibiting the importation into or sale in the state of detergents containing phosphorus in any form. (Urie of Belknap Dist. 1; Fuller of Merrimack Dist. 26; Chase of Carroll Dist. 7; Weillbrenner of Hillsborough Dist. 4 — To Resources, Recreation and Development.)

HB 56, relative to the taking of raccoons. (Varrill of Rockingham — To Fish and Game.)

HB 57, prohibiting the use of a crossbow in taking fish, wild birds or wild animals. (Terrell of Strafford Dist. 4 — To Fish and Game.)

HB 58, authorizing persons seventy years of age or over to hunt, fish and take certain marine species without a license. (Varrill of Rockingham Dist. 16 — To Fish and Game.)

HB 59, authorizing the fish and game director to close areas to civil trespass in certain cases. (Vey of Rockingham Dist. 13 — To Fish and Game.)

HB 60, reenacting the stamping or sealing of beaver skins. (Varrill of Rockingham Dist. 16 — To Fish and Game.)

HB 61, relative to fish and game licenses issued by the fish and game department. (Tirrell of Strafford Dist. 4 — To Fish and Game.)

HB 62, relative to bob houses on the ice and to removing mussels in Hampton river harbor. (Tirrell of Strafford Dist. 4 — To Fish and Game.)

CACR 1, Relating To: Legal Voting Age. Providing That: Eighteen year olds may vote, and derive thereby such other rights as are prescribed by law and the constitution, including but not limited to holding certain public offices. (Bowles of Rockingham Dist. 27, Clark of Strafford Dist. 4 — To Constitutional Revision.)

CACR 2, Relating To: County Attorneys. Providing That: The Legal Elected Representative of a County Shall Be Called a District Attorney. (Sweeney of Hillsborough Dist. 36 — To Constitutional Revision.)

CACR 3, Relating To: Authorization by the Legislature of the Issuance or Guarantee of any Bonds or Notes which are Backed by the State's Credit. Providing That: A Two-thirds Vote of the Membership of Both Houses of the Legislature is Necessary to Pass an Act Relating to the Issuance or Guaranteeing of Bonds or Notes Backed by State Credit. (Belcourt of Hillsborough Dist. 16 — To Constitutional Revision.)

Adopted.

## SENATE MESSAGE

The Senate has organized by the choice of John R. Bradshaw as President, Wilmont S. White as Clerk, Roger C. Quimby as Assistant Clerk, Milo H. Cheney as Sergeant-at-Arms and Merton Webber as Doorkeeper.

On motion of Rep. Brungot the House adjourned at 6:29 P. M. to meet tomorrow at 11:00 A. M.

*Thursday, 7Jan71*

The House met at 11:00 o'clock.

### JOINT CONVENTION

Prayer was offered by House Chaplain, Rev. William L. Shafer of East Rochester as follows:

ETERNAL GOD — we, your humble servants, stand in awe of your bountiful and beautiful creation, our “Granite State”, with her thousand smiling lakes, her rolling hills and craggy peaks, her cool and silent forests, her historical heritage, and her stalwart citizens. Truly You have blessed us greatly, from Coos to the sea. Having been charged by those whom we represent, and by those who have walked before us, to preserve your precious gifts; we are now challenged to be good and faithful stewards in all that we do here. As we complete our organization of the 142nd Session of the New Hampshire General Court, may we gear ourselves for action that will glorify your name, O GOD, that will prosper our State, and bring honor upon your servants. Amen.

Rep. Webster led the Pledge of Allegiance.

### HOUSE

Reps. George Roberts and Raiche offered the following resolution:

### RESOLUTION

*Resolved*, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 11:45 o'clock for the purpose of receiving His Excellency, the Governor, and to hear any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

Adopted.

### LEAVES OF ABSENCE

Reps. Brown and Gilman were granted indefinite leave of absence on account of illness.

Rep. LeClerc was granted leave of absence for the day to attend a funeral.

## COMMUNICATION

December 8, 1970

Hon. Marshall Cobleigh  
Speaker of House

Dear Marshall:

It has been my pleasure to serve the people of Ward IV, in Keene, as their representative in the General Court for the past four years, for two years as a member of the Resources and Recreation Committee, and two years as one of your Assistant Majority Leaders.

The voters of Ward IV, last November, reelected me to the 1971-72 General Court. The awarding of a contract to operate the "food and gift concessions" at Sunapee State Park, Franconia State Park and Crawford Notch State Park to my company, MacKENZIE ICE CREAM, INC., last month, poses in the minds of some people a conflict of interest, although the contract specifically states that I am a separate agent from the State of New Hampshire. I feel, though, it would have been impossible to do a good job operating the "food and gift concessions" and serving in the legislature.

The challenge in improving the "food and gift concessions" at the state parks is tremendous! And I want to do everything possible to create a good impression in the minds of the visitors to these state parks. We intend to serve the best possible food, with good service and improved decor in the different food service locations, and featuring New Hampshire made products in the Gift Shoppes. So, therefore, it is impossible for me to accept the office the voters of Ward IV have reelected me to and I hope you will take the proper steps necessary to fill my vacant seat in the house, so that the residents of Ward IV in Keene will have complete and continued representation.

I sincerely will miss working with you in the forthcoming legislature, but, as I leave, I know you will do an outstanding job as "thoroughly modern Marshall", Speaker of the House and the man with the convictions, and the backbone, to speak for what he thinks is right.

As always, my heart will be in the house and, now in addition to that, my heart will be in the hills of New Hampshire, working to make a truly BETTER New Hampshire.

Sincerely,

Lawrence H. MacKenzie

The Speaker accepted the resignation with regret unless otherwise ordered by the House.

### SENATE MESSAGE

The Senate has passed the following resolution:

*Resolved*, that the Senate is ready to meet with the House of Representatives in joint convention at 11:45 o'clock for the purpose of receiving his Excellency the Governor and to hear any communication he may be pleased to make, and for transaction of such other business as may properly come before such convention.

### FURTHER SENATE MESSAGE

The Senate has passed the following concurrent resolution, in the passage of which it asks the concurrence of the House of Representatives:

### STATE OF NEW HAMPSHIRE

#### Senate Concurrent Resolution No. 1

*Now Therefore be it Resolved* by the Senate, the House concurring;

That the joint rules of the 1969 session, excepting joint rule 26, be adopted as the joint rules of the 1971 session of the General Court; provided however that said joint rules may be amended by a majority vote in each house at any time prior to January 14, 1971.

Rep. James E. O'Neil moved nonconcurrence and requested a committee of conference on SCR 1.

Adopted.

The Speaker appointed Reps. George Roberts, Cobleigh and Raiche as conferees on the part of the House.

### ANNOUNCEMENT

The following Special Committee reports have been filed with the Clerk and will be printed in today's Journal.

1. Advisory Committee to study state salaries.
2. Special committee to study leased store operations in state parks.
3. Special interim commission to study school board teacher negotiations.

**Report of the Committee to Study Leasing Store Operations**  
*TO: The President of the Senate, and Speaker of The House:*  
*Gentlemen:*

In compliance with Chapter 527 of the Laws of 1969, it is our pleasure to present the report of the Special Legislative Committee to study the methods of leasing store operations in the state parks. This Committee met over a period of 18 months and heard testimony from the managers and lessees of all the state parks in the system.

On January 23, 1970, we regretfully accepted the resignation of Senator Mason, and on May 19, 1970, we regretfully accepted the resignation of Representative MacKenzie, both for personal reasons. We had consultations with former Commissioner Crowley of DRED and had available to us the results of the Governor's Council Committee investigating complaints in state parks. We heard testimony concerning the Cannon Mountain and Sunapee Ski Schools from Paul Valar, operator of the Ski School, and from the general public. We had testimony concerning souvenir concessions from both private operators in this area, and from Shepherd Wilder of the New Hampshire Association of the Blind. The conclusions of our Committee concerning any leasing arrangements is that the primary objective of the lease should be quality and service to the public. Profit to the state should be a secondary consideration.

With the above in mind, and because of the imminent awarding of a new contract, we made the following preliminary

recommendations on February 20, 1970, to Commissioner Crowley of DRED:

1. Future contracts of food and souvenirs should be bid on separately.
2. The ski school contract should be advertised in Ski Trade publications, as well as local papers.
3. Contracts should be limited to four years.
4. In view of the excellent experience the Parks Department has had in leasing in small parks with local "mom and pop" operators, the Committee recommends that strong consideration be given to New Hampshire firms for contracts in the larger parks.
5. In the proposed contracts, payments to the State should be made on an accounting period on the basis of one month.

The Committee was pleased to note that apparently the Commissioner of DRED considered these recommendations during new store leasing contract negotiations.

#### *Committee Recommendations:*

Due to the fact that new long-term store leasing contracts have been consummated, with approval of Governor and Council prior to the appropriate time for submission of this Committee's report to the Legislature, the Committee does not believe it necessary or appropriate to recommend the drafting of legislation which would outline in detail the desired methods of negotiating contracts for leasing food and souvenir operations in our State parks. The Committee does recommend the continued application of the preliminary recommendations which were submitted to Commissioner Crowley in the Committee's letter of February 20, 1970.

An additional recommendation is that, in order to avoid a situation which did exist in the recent past wherein many complaints of poor food, service, employee relationships, cleanliness, quality of merchandise, etc., were seemingly ignored over a long period of time, a LEGISLATIVE WATCH DOG COMMITTEE be appointed each biennium, to serve without compensation, to overview ALL FACETS OF STATE PARK OPERATIONS. The Committee believes that it is in the public interest

for the Legislature to maintain continual surveillance of these multi-million dollar state-operated facilities, as the operation thereof most assuredly reflects and affects the State of New Hampshire tourist business.

The Committee believes that the recommended LEGISLATIVE WATCH DOG COMMITTEE should be composed of one member appointed by the President of the Senate, two members by the Speaker of the House, and two members who are not employees of the State by the Commissioner of DRED. Legislation to this effect will be initiated by Representative Higgins and Michels.

The conclusions and recommendations set forth in this report are the result of deliberation extending over the last 18 months, and reflect the unanimous judgment of the members of the Committee.

*Respectfully submitted,*

Charles F. Armstrong, Chairman  
Wayne E. Higgins  
John Michels

**Report to the General Court by the  
Special Interim Commission to Study  
School Board-Teacher Negotiations, New Hampshire Laws,  
Chapter 547**

The interim commission consisted of four members appointed by the Governor, two representatives appointed by the Speaker of the House, and two senators appointed by the President of the Senate. The commission was charged with studying school board-teacher negotiations and problems relating thereto and to report its findings and drafts of any proposed legislation to the 1971 legislative session.

Early in the commission's meetings it became clear that the same issues which traditionally create problems in any discussion of collective bargaining legislation, the "scope of bargaining" and the "composition of the unit", were again going to create a problem as they had in the legislation introduced in the 1969 session of the legislature.

Limiting the scope of bargaining to economic matters and not allowing such subjects as text books, class size, curriculum

content, etc., to be negotiated is considered essential by most school boards. On the other hand, teachers wish to have a voice in these decisions as they are the ones directly in contact with the pupils and they feel that, as professional educators, these matters are properly their concern also. A check of collective bargaining contracts already negotiated in New Hampshire between teachers and school boards shows that the scope is generally restricted to economic matters. However, some contracts have a provision whereby teachers may "effectively recommend" courses of action with regard to managerial policy. To make provisions for any districts which may already be negotiating in areas other than those strictly economic a so-called "grandfather clause" could be written into legislation to protect contracts already negotiated in these districts. However, rather than this approach, the commission recommends that a "management prerogative" clause be used to limit scope as this would give more flexibility for each district to work out its own approach.

Whether or not the bargaining unit should not contain principals and assistant principals (composition of the unit) on a statewide basis is also difficult to determine. It was found by the commission that in the smaller districts principals and assistant principals were of administrative status while in larger districts they were more nearly employees.

The efforts of the commission have been towards a new approach to negotiation legislation rather than trying to fit traditional legislation to New Hampshire problems. The findings and recommended legislation are not by any means totally original but are those which developed as a result of studying collective bargaining legislation in other states and practices in New Hampshire.

On December 4, 1969, various organizations which have expressed an interest in education in the past were invited to a public hearing to express their views on collective bargaining or negotiations for teachers. The opinions of those attending and those sending letters contained some entirely new ideas as well as thoughtful criticisms of traditional collective bargaining concepts.

Except for the New Hampshire Public Schools Association, which was opposed to any legislation concerning school board-teacher negotiations, there was considerable unanimity in view-

points. It was generally agreed that there was an immediate need for some kind of collective bargaining or negotiation legislation in New Hampshire but that legislation should be designed for New Hampshire needs. Any legislation should be mandatory to prevent stalemates which would interfere with the normal operation of schools but that the details of any legislation be carefully worked out with as much latitude as possible allowed to each district in solving its own problems.

It was brought out that most school boards and teachers were already negotiating under the permissive law now in effect. This has been and is working out in most instances but the statutory machinery to resolve impasses in those instances where negotiations break down is needed.

All parties were in agreement that while penalties written into legislation against striking did not seem to work in practice and that such penalties were only an insult to teachers in areas which did not have problems, there should be some recourse to law by either the school board or the teachers for violation of a contract or violation of fair labor practices.

It was further brought out that since most districts were negotiating successfully on a "local" basis, state legislation should be designed to encourage this and come into effect only when difficulties arose. If this were done, each district could decide for itself what was to be written into its contracts subject to existing law and regulations.

This concept the commission felt had excellent possibilities for New Hampshire where the idea of local control is strong. The commission therefore recommends that at this time impasse procedure legislation be adopted. The commission also recommends that election procedure be adopted in the eventuality that either the school board or the teachers in a district have any doubt that the employee organization representing the teachers has, in truth, the support of the majority of the teachers. The commission further recommends that there be included in any collective bargaining legislation a means of enforcing such legislation. The following suggested legislation the commission feels will carry out its recommendations and also be of the least cost to all parties involved.

*Respectfully submitted,*

Rep. Shirley Clark, Chmn.

Sen. Richard W. Leonard

Mr. Warren B. Rudman

Mr. Jack Middleton

Sen. Arthur Tufts

Rep. James E. O'Neil

Rep. Stanley Williamson

Mr. Philip Peters

*Recognition and Elections.*

1 Any school board, or supervisory union board, may recognize an employee organization, designated by a majority of the employees in the school district to represent them, for the purposes of collective bargaining.

2 If the commissioner of labor receives a petition from one or more employees, or from an employee organization acting in their behalf, showing that thirty per cent of the employees of the district:

a wish to be represented for collective bargaining by an employee organization as exclusive representatives; or

b assert that the employee organization then certified by the commissioner is no longer the representative of the majority of the employees in the bargaining unit;

The commissioner shall investigate the petition, and at his discretion may hold hearings to find out if there are sufficient grounds for an election to be held to determine the employees wishes on collective bargaining representation. If he finds sufficient grounds, the commissioner shall order an election to be held under his supervision. If sufficient grounds do not exist, no election shall be ordered.

3 If the commissioner receives a petition from a school board, or supervisory union board, showing that one or more employee organization has asked to be recognized as a representative of the employees or claims to represent a majority of the employees in a district, the commissioner shall investigate the petition and make a decision on holding an election.

4 Cost of all investigations, hearings and elections shall be shared proportionately by all parties involved.

5 All investigations, hearings and elections shall be conducted under rules and regulations determined by the commissioner of labor.

6 Any party of record aggrieved by an order to the commissioner shall be entitled to judicial review with the filing of a petition in the superior court.

**RSA 31:3b Unresolved Issues Submitted for Mediation or Fact Finding.**

1 If the representatives of the employee organization and the school board are unable to reach an agreement on a contract, within forty days after the date of their first meeting, either of them may request mediation upon any unresolved issues by a mediator from a list of qualified persons maintained by the commissioner of labor. Costs of mediation shall be borne equally by both parties. If the mediation is not requested or if it is not successful, and if the parties still do not agree on all issues, after the expiration of seventy-five days from the first meeting, either party may request fact finding.

2 The procedure to be followed if either party requests fact finding is as follows:

a Within seven calendar days after the request is made in writing by one party to the other the two parties shall designate a person or organization mutually acceptable to both. If they are unable to agree upon such person or organization within ten days, the person or organization shall be selected by the commissioner of labor.

b The fact finder shall hold a public hearing within ten calendar days after his appointment and shall give at least seven days notice in writing to the negotiating or bargaining agents and the commissioner of the time and place of the meeting. The hearing shall be informal and the rules of evidence shall not be binding. Any documentary evidence and other data deemed relevant by the fact finder may be received in evidence. The fact finder has the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, production of books, records and other evidence relative or pertinent to the issues presented to him for determination.

c The hearing shall be concluded within ten days, and within ten days thereafter, the fact finder shall mail his findings and opinion on the issues to the negotiating or bargaining agents. The report may be made public by either party. The parties shall then resume negotiation and bargaining based on the report, but the report shall not be binding on either party.

d Costs of such fact finding shall be borne equally by both parties.

RSA 31:3c Disputes Arising as to the Meaning of a Contract. Disputes arising between an employee organization and the school board as to the meaning or interpretation of a contract between them, which cannot be resolved, may be submitted by either party to binding arbitration. Costs of such arbitration shall be borne equally by both parties.

RSA 31:3d Resolution of an Impasse in the Course of Collective Bargaining.

1 For the purposes of this section an impasse is deemed to exist if the parties fail to achieve agreement at least ninety days prior to the budget submission date of the school or supervisory union board. If an impasse exists, the board shall promptly file with the commissioner of labor a notice to this effect.

2 If the impasse is not resolved at least sixty days prior to the budget submission date, the commissioner shall appoint one or more fact finders, each representative of the public, from a list of qualified persons maintained by the commissioner. In addition to the powers delegated to him by the commissioner, the fact finder may make public his findings and recommendations.

3 If an impasse is not resolved at least forty-five days prior to the budget submission date, the fact finder shall immediately transmit his findings and recommendations for resolution of the dispute to the school board and the employee organization involved, and shall simultaneously make public his findings and recommendations.

4 If either the school board or the employee organization does not accept the recommendations of the fact finder, both parties shall submit their recommendations to the school district meeting, and the fact finder shall make available to that body a copy of his recommendations.

5 Costs of such fact findings shall be borne equally by both parties.

**RSA 31:3e Personal Rights of Employees**

1 Nothing in the foregoing:

a Prevents any employee, regardless of membership or non-membership in an employee organization, from bringing matters of personal concern to the attention of the school board in accordance with applicable law, regulation or established policy; or

b Prevents any employee from acting in his own behalf or choosing his own attorney or agent in a grievance or appellate action.

c Requires any employee to join an employee organization.

**RSA 31:3f Prerogatives of School Board or Supervisory Union Boards.**

1 Nothing herein shall be construed as permitting school boards or supervisory union boards to bargain or negotiate on matters which would tend to delegate or abrogate the elective or legislative obligations vested in such boards by law.

**RSA 31:3g Enforcement.**

1 Any action at law or in equity which under the laws of New Hampshire may lie against any individual, corporation or association shall lie against any employee organization which represents or seeks to represent school district or supervisory union employees under this section. Service on the employee organization may be made on an agent or officer thereof.

2 In the event that the school board, supervisory union board, or the employee organization considers the other party to be in violation of an existing contract, the provisions of this section, or any unfair labor practice as defined under the National Labor Relations Act, it may institute proceedings to obtain an ex parte injunction prohibiting such activity and in the event any order or decree entered by the court in such proceeding is violated, the county attorney for the county in which such violation occurs shall institute contempt proceedings in support of the injunctive relief.

3 If an employee organization shall be found by the court to have violated any provision of this act its designation as employee representative shall be revoked, ipso facto, and such organization shall be ineligible to be recognized as the employee organization for a period of two years thereafter and the school board or supervisory board shall refrain from making payroll deductions for that organization's dues for the same two years.

4 If a school district or supervisory union employee is found by the court to have violated any provision of this section such violation shall be considered cause for discipline or immediate dismissal regardless of the existence of a contract of employment, or tenure whether such tenure is by statute, rules or practice.

5 If a school board or supervisory union board is found by the court to have violated any provision of this act the court shall make such order as justice requires.

### **Report of the Advisory Committee to Study State Salaries**

*TO: The Clerk of the House of Representatives*

The Advisory Committee to Study State Salaries was established under Chapter 221, Laws of 1961, and charged with reporting to the Clerk of the House on or before December 1 of each even-numbered year a recommended schedule of salaries.

#### *Composition of the Committee:*

Chairman, Representative Maurice MacDonald representing the House; Senator William Gove representing the Senate; Commissioner Benjamin C. Adams representing the Governor; Hans Meissner representing the State Employees Association; and John Meader representing the American Federation of State, County and Municipal Employees. The committee met on the following dates: March 18, 1970, April 13, 1970, November 12, 1970, November 23, 1970 and December 2, 1970.

#### *Results of the Study:*

Using the Personnel Department wage studies presented to the committee by Mr. Roy Lang, Director of Personnel, the committee found the following pertinent facts:

1. That salaries paid in the several New England States for the same job classification showed considerable variation.
2. A review of the salaries paid in the several New England States for certain key jobs in one salary grade showed even greater variation.
3. It appeared from the data furnished the committee that salary grades 1 through 8 compare adequately with New Hampshire Municipalities and New Hampshire industry while labor grades 9 through 34 appear to be paying less than the New England States used in the Personnel Department survey anywhere from 1 to 22%.
4. As there are no comparable large number of positions in the State, hospital attendants were not included in the salary study. This does represent one of the largest groups of employees in State service. The committee realizing the shortage of help in this area recommends a department review of this classification.

*Recommendations:*

1. The committee recommends an across-the-board increase of \$520.00 in all State salaries to offset the rise in the cost of living.
2. The committee is of the unanimous opinion that a review of the State personnel classification system is necessary. The committee feels that the classification procedure should be updated. The committee recommends that the Legislature endorse legislation which will establish a State personnel study commission. It (the committee) feels that the State Personnel Department could be strengthened from a review by competent professional consultants. We feel this State personnel study commission should be comprised of a diverse membership which would give it a broad base and wide scope, and be provided with funds to engage competent professional assistance.
3. A new method of reviewing State employee performance including, but not limited to, a provision that an employee shall be evaluated *at least twice* during the probationary period.
4. A review of fringe benefits.

5. This committee having been directed by the Legislature to investigate the feasibility of a built-in cost-of-living formula, decided that it would not be feasible to include such a formula in the State salary schedule. The committee felt that the Legislature itself should be charged with reviewing and establishing the State pay schedule.

*Concluding Remarks:*

The committee recommends the across-the-board increase as a temporary measure pending review of the classification system because it feels strongly that the latter must be accomplished before a meaningful wage schedule can be recommended. The committee notes that the present classification system has been in effect since 1950 without substantial change or major review during a period of rapid change in State Government.

*Respectfully submitted,*

Maurice MacDonald

Hans Meissner

John Meader

William Gove

Benjamin C. Adams

December 1, 1970

The Clerk, Assistant Clerk, Sergeant-at-Arms and Doorkeepers appeared before the Speaker and took the oath of office.

Rep. Scamman moved to rescind the resolution offered by Rep. Michels whereby a House committee was set up for the appointment of Chaplain.

Rep. Scamman explained his motion.

Adopted.

Rep. Scamman offered the following House concurrent resolution No. 13.

*Resolved*, that a committee of twelve members, ten from the House, one from each county and two from the Senate, be appointed by the Chair to select some suitable person to act as Chaplain during the present session of the legislature and report such election to the House and Senate for consideration.

Adopted.

The Speaker appointed: Chairman Esther Davis, McCarthy, Mabel Richardson, Saunders, Tremblay, Ralph Wilson, Donald Chase, Raymond Peabody, Goodrich and Armand Duhaime.

## ANNOUNCEMENT

Tomorrow is Representative Loring V. "Cy" Tirrell's 50th wedding anniversary.

The Speaker asked the General Court to honor Representative Tirrell and Mrs. Tirrell on this happy occasion.

Rep. James E. O'Neil offered the following resolution.

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 63 through 67 and House Joint Resolutions numbered 6 and 7 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS

First, second reading & reference

HB 63, requiring the sale of soft drinks and alcoholic malt beverages in returnable containers. (Spalding of Hillsborough Dist. 12; Burleigh of Merrimack Dist. 14; Oleson of Coos Dist. 5 — To Environmental Quality and Agriculture.)

HB 64, empowering the pesticides control board to prohibit or restrict the sale and use of certain pesticides. (Schwaner of Rockingham Dist. 9 — To Environmental Quality and Agriculture.)

HB 65, relative to cooperative extension work at the university of New Hampshire. (Reddy of Merrimack Dist. 5; Merrill of Grafton Dist. 13 — To Environmental Quality and Agriculture.)

HB 66, increasing the limitation on the state's contribution for the improvement of forest fire trails from twenty-five to one hundred dollars. (Karnis of Hillsborough Dist. 8 — To Environmental Quality and Agriculture.)

HB 67, providing for Port Authority appointed pilots to pilot certain vessels in the Piscataqua river and harbor. (Cochrane of Strafford Dist. 4 — To Environmental Quality and Agriculture.)

HJR 6, making an appropriation for state aid for regional planning. (Clark of Strafford Dist. 4 — To Environmental Quality and Agriculture.)

HJR 7, establishing a committee to study the economic, social, environmental, and educational problems resulting from population growth in New Hampshire. (Dalo of Hillsborough Dist. 6 — To Environmental Quality and Agriculture.)

HCR 1, Resolution Requesting Congress To Call A Convention For the Purpose of Amending the U. S. Constitution to Provide for Intergovernmental Sharing of Federal Income Tax Revenue.

## JOINT CONVENTION

Rep. Michels offered the following report.

The Joint Committee appointed to wait upon Honorable Walter Peterson and inform him officially of his election as Governor of the State of New Hampshire reports that it has attended to its duty; that the Governor-elect has accepted the said office and will meet the Senate and House of Representatives in Convention at the earliest convenient time to take the oath of office and make such communication as he deems proper.

Adopted.

Rep. Williamson offered the following report:

The Joint Committee appointed to wait upon Lyle E. Hersom, Robert E. Whalen, John S. Walsh, Bernard A. Streeter, Jr. and James H. Hayes and inform them officially of their election to the Honorable Council, reports that it has attended to its duties, and that all of the gentlemen named have accepted the office.

Adopted.

## INAUGURATION

The Governor-elect and the Councilors-elect entered the House.

Invocation offered by Rt. Rev. Msgr. P. J. Kenneally, Chaplain, Mount Carmel Home.

A prayer for Peace was offered by Rev. George Papaioannou of St. George Greek Orthodox Church.

The President of the Senate, John R. Bradshaw, administered the oath of office to His Excellency, Walter Peterson, and presented him with a copy of the state constitution.

His Excellency, Walter Peterson, administered the oath of office to the Honorable Councilors.

A Prayer of Thanksgiving was offered by Rabbi Samuel Umen, Temple Adath Yeshurun.

The Governor then delivered his inaugural address as follows:

It was just two short years ago that I stood here for the first time to outline my plans for the State of New Hampshire. The plans I outlined then were ambitious, and the tone of that Inaugural address was optimistic.

It was based on my conviction as a former legislator that the General Court is responsive to the changing needs of the State. My belief was borne out by the actions of both the 1969 and 1970 sessions of the Legislature.

The roll of its accomplishments is a long one but I will not dwell on it, except to say that the most far-reaching legislation enacted, without question, was the establishment of the 300-member Citizens Task Force which gave us an unprecedented guidepost for the future. Almost all of its major recommendations became law, and it is a vessel of ideas which is still far from empty.

In a word, the achievements of the last legislature give me hope now.

The problems ahead may be categorized as immediate and long range. I will deal first with the immediate problem, that

of putting right our tax on business and industry and balancing the budget of the current biennium.

The business profits tax will not produce the \$22.8 million we hoped for this year, nor the \$25 million we hoped for next year. Instead, it will produce no more than \$16 million in the first year or in the second year.

There is but one reason for this. The tax is highly sensitive to the business cycle, and the downward trend in business fortunes has been far steeper than we anticipated. Professor Paul A. Samuelson of MIT, who has just won the Nobel Prize, recently wrote:

"It was not a good year for the forecasters, whether gloomy or not. Not a single member of President Nixon's team of economists added to his professional reputation. The picture outside Washington was not much better . . . (and) non-economists did even worse than the economists."

There have been problems of collection, compounded in part by misunderstanding among taxpayers, and in other cases by the knowledge that non-payment of the interim estimates is a form of borrowing from the State at an interest comparable to commercial rates. Many firms undoubtedly are waiting until the final deadlines to pay.

And so the first problem is to preserve our financial integrity. Let me cite the options we have.

We could cut back on state programs to reflect the reduced revenue level. This option in fact is irresponsible because it would not only wipe out all the achievements of the special session, but also many of those enacted in 1969.

A second alternative, equally repugnant, would be to default on payments to cities and towns. It would undermine their fiscal integrity and destroy their confidence in us.

We cannot undo what we have done. Traditionally, the Governor of this State presents his budget message to the Legislature by the fifteenth of February. I, of course, will comply with this statute.

But I cannot wait until then to deal with our current deficit, which will be in the range of seven to ten million dollars.

I shall propose legislation to deal with this, a bill increasing our short-term borrowing authority to a reasonable proportion of our total budget. Our short-term borrowing limit now at \$15 million, is well below that of our sister states and is currently below our own level of 1967 as a percentage of our total budget.

I shall also propose ways to pay back the short-term notes which we require to meet current obligations.

This will include a bill to tighten provisions of the business profits tax itself to maximize its revenue potential.

And I shall submit a bill designed to assure that the business community will carry its fair share of the cost of public services. This proposal will be for a low-percentage tax on business activity as measured by payrolls.

No guesswork is required on revenue estimates for this method of taxation. All supporting figures will be based on documented statistics of the New Hampshire Department of Employment Security which is charged by law with keeping accurate payroll information. The goal will be to raise the amount necessary during this calendar year to meet the obligations we incurred for this biennium and the next when the business profits tax was enacted.

New Hampshire now imposes by far the lightest tax burden on business in New England, and an additional marginal tax on this sector will not materially affect our standing.

When I proposed the business profits tax I did so not only to benefit the State through a growth tax, but also because it was major tax reform. Reform is not an empty word, mouthed because it has a good sound. Reform of the business tax structure means that we can attract much-needed new industry while protecting our traditional industries whose back is against the wall. We have seen signs of success — and in fact in a short time we will have an announcement of another breakthrough in our efforts to attract major industry to New Hampshire.

The reform also reduced the dependence of localities on the fortunes of their own — and in many cases, single industry. Industrial closings caused by economic conditions would have had disastrous impact on the tax base of several towns in New Hampshire in 1970 if they had still been dependent on local business taxes.

Now let me talk about the problems facing New Hampshire in the coming years. It is commonplace, as many of you know, for governors to remind Legislatures on occasions such as this that they stand at some crossroads; that the problems and the solutions of the quiet past are irrelevant to the stormy present; and that the future presents challenges undreamed of by the political leaders of any previous time.

I will not exaggerate the problems facing us in 1971 and 1972. I will let the facts speak for themselves.

A preliminary analysis of the State's fiscal situation for the coming biennium, based on revenue estimates that are neither optimistic nor pessimistic, and on spending requirements that reflect normal or built-in increases over present levels, discloses that we could face a biennial deficit of more than 60 million dollars. I will repeat that: for the coming biennium our revenue may fall short as much as 60 million dollars.

This is not a problem brought on us by politics, or care-free spending, or the inadequacy of the business profits tax: it is a problem of national scope which is bringing many if not more states in the union to the brink of bankruptcy.

I could wish that the business profits tax were the villain of the piece; that would be an easy problem for us to solve — as in fact I have proposed a solution.

Governor Nelson Rockefeller recently said that the current political leadership at all levels can expect brief political careers, whether they succeed in solving the financial problems of the states, or whether they fail. Unless massive unrestricted funds are made available to the states from the federal government, and I am not one of those who is confident that this will occur soon, there is nothing we may do but face our state's problems as honestly and bravely as possible.

It is often said that we in New Hampshire are fortunate that we have always kept a lid on state spending, that we have not followed the footsteps of other states down the road of massive taxation in the name of supplying programs which only sometimes have brought benefits to the people commensurate with the costs.

And in fact, the State tax burden imposed on the people of New Hampshire is the lightest in the nation.

I want it kept that way, and I know you do. I will join with you in cutting every ounce of fat from our state budgets, and I am willing to establish priorities so that we do not give every request, every program, equal importance in the quest for dollars. You and I have an unspoken mandate from the people of New Hampshire to cut every program which does not meet legitimate needs.

What are legitimate needs?

We might begin by examining, in broad terms, the people who sent us here.

New Hampshire is a state with some 90,000 persons over the age of 65, almost all of them living on fixed incomes. Last year, as a result of our efforts at the regular and special sessions, a program of tax abatement was instituted for those over 70. Some 3,000 homeowners benefited, despite very stringent limits on income and net worth, despite the natural unwillingness of selectmen in some communities to broadcast this abatement which decreased the local tax base.

But the plight of so many elderly is made clearer by a statistic which was compiled for me by the State Council on Aging. I asked it to tell me how much it would cost to provide a minimum guaranteed income of \$3,000 for couples, and \$2,000 for persons living alone who are over 65 years of age. The estimate was the astounding sum of 30 million dollars. Can you imagine living today on less than \$2,000 a year and yet many of our elderly are doing so.

Inflation has robbed us all, but for the elderly it can steal their life-long pride and independence as well as their pocket-books.

What of the young people of New Hampshire? Of every 100 youngsters who enter public schools in New Hampshire at least 25 of them do not graduate from high school. Of the 75 who do graduate, about 30 go to college; of these, only 5 complete four years. In other words only one young person in 20 graduates from a four-year college or university. The question for us all is whether we feel any responsibility for the 95 percent who don't complete college, or, more to the point, whether we might consider greater involvement on behalf of the 25 percent who don't even finish high school.

And how do we respond to the social problems involving youth today, evidenced in extreme form by very vocal disaffection expressed by some among that fortunate minority who do attend college, and by the tragedy of drug abuse which needlessly killed 11 young people in our State last year, and by the fact that some 2,500 of our young people were in trouble with the law last year.

And what of the working man in New Hampshire? Unemployment in New Hampshire has always been low, not just because we are a hard-working people, but because, too often, young people have gone away for their education and not come back to New Hampshire, or have simply gone away, attracted by higher pay in the urban areas of the nation.

But we can no longer take any satisfaction from our employment rate. It has risen to 4.5 percent, and it is expected to rise to 6 percent before the winter is out. Some of this is seasonal, some of it is due to current economic conditions, but another part of it will be difficult to correct.

The industrial base in New Hampshire is shifting away from traditional industries toward the so-called space age industries, a change which we welcome — and which the profits tax encourages — but this shift is leaving in its wake sizeable numbers of workmen who have known no other job than in the shoe, or textile, or woodworking industries. The question for us is whether we feel any responsibility to help these people.

I think you also should know that we who have boasted of our frugality also preside over the lowest-paid state police force in New England, over state employees whose salaries are below the New England average, and whose retirement and other benefits are of an earlier time. Our young people pay the highest tuition in the *region* to attend their state university. We provide little toward the education of the handicapped, and state aid to public education is the lowest in the nation.

In the helter-skelter of last minute budget cutting we have authorized programs without people, people without desks, and offices without people. We have rarely taken a hard look at the philosophy behind our programs, but instead have been content to cut part or all of what is new, almost invariably leaving what is old. Until just recently, governors have not had the professional staff to impose priorities on established programs. If

we are to balance the budget this year, we shall not have the luxury of traditional approaches to government's size and shape.

But in one area we have met our responsibility: and it threatens our solvency. It is that of welfare and related programs for the benefit of persons who cannot meet their own or their children's basic needs. Our estimates are that in the coming biennium welfare costs will rise by \$14 million on top of an already heavy burden. It has been estimated that the President's Family Assistance Plan would shave as much as \$6 million off this cost, and by rights we should take this off the county and local share of welfare expenses, and assume full responsibility at the state level. But, again, for us to count on programs which have not made their way through Congress would be foolhardy in the extreme.

We have recently undertaken a study of welfare and medic-aid programs to determine, first, whether we may responsibly move to reduce this burden, or, if we cannot, to be able at least to explain to a concerned public what is happening to their tax dollars. No one today disagrees: the current welfare system is a disaster for all concerned. For us to maintain any credibility at all with our constituents requires that this problem be understood.

New Hampshire, it has been said, is like a park on the edge of a large city. This is an apt description when one considers that some 60 million people are within a day's drive of the White Mountains.

The implication of this is already being felt, and in two ways. One is in the growing number of tourists who visit our State and who buy second homes here. The second is in the rapid growth of our population — 21 percent in the last decade. And by the arithmetic of growth upon growth, we may confidently predict that within 50 years our population will be over two million people.

While most of us will not be around to rub elbows with this mob, our grandchildren will look back on our efforts to preserve and restore the beauty and purity of our natural resources in our own day, for the sad truth is that we have already accomplished tremendous destruction. We have not succeeded in cleaning up a single major river basin despite 24 years of trying. We have not succeeded in preventing the drift toward

pollution of our priceless lakes. On a given day in 1969 in Laconia, the Lake City, there was no place for a resident to swim: all the public beaches were closed. We must decide whether we want to share responsibility for the day when Lake Winnepesaukee is closed to the public.

When all is said and done, the central problem of New Hampshire in the foreseeable future is growth. Growth produces enormous benefits and new opportunities, through increased and higher paying jobs for our citizens. But it also — if it is not intelligently managed — contains the seeds of disaster, and they are being planted now. Growth puts houses where there were open spaces, it puts pollutants into streams; it requires new schools for which the property taxes of the newcomers do not fully pay; it discourages, rather than encourages, the tourists who come for elbow room and clean air; it puts demands on state services above and beyond what the average citizen pays in.

Put simply, every new person who is born in New Hampshire or who comes here to live, costs state and local governments more in accepted services than he pays under our traditional revenue system.

What can we do about this in the next two years?

I have decided to take the extraordinary step of issuing major messages to you in the coming weeks on my proposals to meet the challenges I see ahead.

Let me describe my goals for New Hampshire.

We must look to the day when our State Hospital, which now employs more than 1,000 people, can become a small and manageable institution for persons who require intensive residential care — while most treatment increasingly becomes the province of community based, mental health units sharing public and private support. A state mental institution is, more than anything else, a symbol of failure to help people in time. Support of community mental health facilities is one of my highest priorities.

We must look to the day when the many-sided problems of pollution of our environment are dealt with by a unified and professional agency with all necessary laws and financing behind it. We must do nothing less than guarantee, by Constitutional provision, the right of a clean and safe environment.

A high priority of mine will be the establishment of a more unified attack on pollution at the State level, in which we assume the local costs of building sewage disposal systems. Based on the report of my Environmental Council, I shall also propose a host of other measures establishing sensible rules for saving our environment and ourselves.

We must look to the day when we can assure that our young people achieve something like their maximum potential and not be left by the wayside of a society which places too much value on the fortunate few who complete higher education.

A high priority on my list is that we take further steps along the road toward meaningful vocational training at the high school and post-high school levels, recognizing that more than 80 percent of the jobs which will become available will not require college degrees.

We must look to the day when young people turn away from drugs as an answer to their problems and when we have convinced their elders that with compassion and intelligence they, the schools, and their government can work together to accomplish this.

Among my priorities are legislation to increase our enforcement effort, already worthy of our pride; to continue our programs of educating teachers, and through them, students, to the sometimes fatal consequences of drug abuse, and to aid and establish professionally staffed residential treatment centers for the victims of drug dependency and addiction.

We must look to the day when we can be assured that our working men, young and old, can achieve training or retraining for the jobs which are coming.

To attack the short-and long-term problems of unemployment and underemployment in New Hampshire will be part of my legislative program.

We must look to the day when our elderly persons can all live meaningful lives, surely a basic right. For they, above all others, have been brought to their knees by inflation, by the astronomic rise in land values and property taxes, and since we in government have helped to bring this on, we share responsibility for their fate. One of my highest priorities is to extend

the ability of our State Council on Aging to match federal funds for local programs, to permit cities and towns to provide services to them which they now cannot, and extend to the very limits of our capabilities the tax relief they so rightly deserve and elsewhere get.

And for all of our citizens we must look toward the day when adequate housing is available. We now have a housing shortage — and I don't refer to so-called low-cost housing — of 30,000 units, and the gap is growing. Already our young families cannot compete with the out-of-state second home buyer. And the pressure on the land is growing.

As a priority I shall propose that we establish a Housing Authority at the state level so that we may at last begin to attack a problem which will only grow worse with each passing year.

I have not mentioned a number of other measures which at the appropriate time I shall bring before you. Rather than catalogue these, let me say that overriding all problems and requiring our best efforts is the single task of directing the growth of New Hampshire.

We, the representatives of the people, must be the master of our fate as a geographical entity. We must encourage growth of new industry, but do so selectively. We must encourage tourism, but not be overcome by it. We must find ways to preserve scenic areas. The struggle is essentially against ourselves — our unwillingness to take strong measures, or even to accept responsibility; the understandable desire among citizens to accept short-term financial gain in lieu of vague principles of the general well-being.

All I ask and all that an informed public will expect is that we keep alive the momentum we have established, that we continue to work at the problems which afflict not only New Hampshire but most other states as well. It is a difficult task to preserve our environment and have economic and industrial development at the same time.

But we can, and we must try.

I must point out to you that any man who stands where I stand today would be faced, as I am, with real difficulty in formulating proposals to meet the needs which I understand only too well.

I made a pledge during the recent political campaign that I would not bring you a proposal for general sales or income taxes. And I will not do so.

Let me say a word about these methods of taxation.

A general sales tax would recoup for the state a reasonable sum of money and take full advantage of growing tourism. Those people who live elsewhere but have a stake in the future of our breathing spaces would share part of the burden.

But traditionally a sales tax is a direct and regressive levy on working men and women and on elderly persons. It also would do away with the competitive advantage of our merchants close to the borders of our state, an advantage which brings purchasers to New Hampshire. I do not believe, as I have stated before, that a general sales tax is right for New Hampshire.

A personal income tax, with sufficient protection for low-income persons, can be a fair and responsible solution to our state's needs — if, in your view, no other solution is adequate to meet our responsibility.

I shall work to make this solution unnecessary — not for easy political advantage — but because I believe to my depths that we — you and I — have an unmistakable mandate from the voter.

I am well aware of the frustration and even anger of the voters in this time of recession and inflation. It is a time when the citizens of this and other states are close to panic, often described as a tax revolt. It is understandable that they will sooner listen to the faith healers among us who tell them all is well.

We must — you and I — pay for our past sin: that of not opening up to cool-headed public debate the question of broad-based taxes.

But we must have the courage to withstand the destructive powers of the Loeb press and tell the public what it does not seem to understand: that our tax structure is, and always has been, a reflection of the wishes of the well-to-do. We must acknowledge that income taxes, based on ability to pay, need not hit the low wage earner, and could provide significant relief for the elderly and for the hard-pressed property taxpayer.

We have kept our record clean — but we have, in the process, fostered a dependence on property taxes all out of proportion to the value of homes and beyond the ability of so many homeowners to pay.

I shall support a Constitutional amendment permitting you greater flexibility in formulating tax proposals, so that taxation may be truly based on ability to pay.

I will fight for this amendment in this session, and if you approve it, I will carry the fight to the people.

I have tried today to present the problems that face us with candor and directness. A somewhat eminent philosopher has said that progress always involves risk. In his words, "You can't steal second base and still keep one foot on first."

I have said, and I will repeat, that I do not expect that we shall solve all New Hampshire's problems in the next two years. But let us work together to do what we can. I have confidence born of my many years in this General Court that you will join me in this effort.

We have a hard road ahead, but we have successfully travelled this way before.

On motion of Sen. Stephen Smith the Joint Convention rose.

## HOUSE COMMITTEE ASSIGNMENTS

### APPROPRIATIONS

Drake, Arthur, Chm.	Belcourt, Agenor
Weeks, Edna B., V. Chm.	Downing, Maurice
Bell, Kenneth G.	Saunders, Michael
Casassa, Hebert A.	McGuinness, Charles
Ferguson, Charles W., Jr.	Dubey, Leon
Prescott, Oscar C.	York, Edward
Ballam, Louis S.	Bruton, George
Saggiotes, James A.	Spirou, Chris
Ainley, Greta M.	Huot, David
Raymond, Sumner W.	
Scamman, W. Douglas, Jr.	
Howard, C. Edwin	
LaMott, Paul I.	

## BANKS &amp; INSURANCE

Bigelow, L. Waldo, Chm.	Tremblay, Wilfred
Milne, Norman F., Jr., V. Chm.	Mallat, Robert
Leighton, Max W.	Burrows, Adolph
Lang, George A.	Dwyer, Donald
Montplaisir, J. Henry	Blanchette, Alice
Cheney, Charles	Lamy, Catherine
Avery, Fred	McIntyre, Everett
Bartlett, Clarence F.	Robinson, Robert
Coughlin, John R.	
Woodward, Eugene H., Jr.	
Filides, Charles M.	
Burns, Harold W.	
Wilson, Ralph W.	
Cook, Roland S.	
Rodgers, G. Philip	

## CLAIMS, MILITARY and VETERANS AFFAIRS

Varrill, Robert W., Chm.	Duhaime, Armand
White, George W., Sr., V. Chm.	Duhaime, Roger
Young, John T.	Cournoyer, Wilfred
Canney, Ralph W.	Gardner, Cleon
Smith, Elmer C.	Lavasseur, Alphonse
Sirois, Leo O.	Allard, Edmond
Hardy, Christopher C.	Campono, Herman
Kidder, Victor L.	Derome, Ernest
Hood, Robert E.	Nallette, Joseph
Cunningham, Wilfred R.	Lambert, Lucien
Soule, Earle L.	Champagne, Edward

## CONSTITUTIONAL REVISION

Chase, Russell C., Chm.	D'Amante, Carmine
Eaton, Joseph M., V. Chm.	Hebert, Roland
Sherman, Kenneth L.	Leclerc, Charles
Wuelper, Marion	Joncas, Grace
Bennett, Jennie B.	Parker, Gary
Gelt, Jeanette	Sylvain, Donald
Higgins, Wayne G.	Welch, John
Buckman, Harold V.	Cares, Miles
Dudley, Frances B.	
Humphrey, James A.	

Harvell, John C.  
 Dow, Robert G.  
 Vogel, Richard O.

### EDUCATION

Bowles, Raimond, Chm.	Bowlen, Wayne
Dunham, Janet W., V. Chm.	Cote, Margaret
Roberts, Charles B.	McEachern, Archie
Lockhart, Richard S.	O'Neil, Robert E.
Van Loan, Anna S.	Gabriel, Robert
Gemmell, John K.	Parker, Gary
Lawton, Robert	Lemieux, Armand
Balomenos, Sandra	Maloomain, Helen
Boucher, William P.	
Abbott, Frances J.	
Hall, Beatrice B.	
Townsend, Sara M.	
Lyons, Elaine T.	
Lagroe, Guy H.	

### ENVIRONMENTAL QUALITY & AGRICULTURE

Greene, Elizabeth A., Chm.	York, Elmer
Read, Maurice W., V. Chm.	Dempsey, John
Tirrell, Loring V.	Burrows, Adolph
Fernald, John T.	Belair, Larry
MacGregor, Herbert L.	St. Onge, Roland
Wilkinson, Nana M.	Robinson, Robert
Colburn, Marjorie D.	Chapley, John
Brown, Ernest B.	Ruel, Alfred
Page, Henry H.	
Ames, H. Robie	
Langley, Edmund, Jr.	
Towle, Paul R.	
Stevenson, Douglas M.	
Monier, Robert B.	

### EXECUTIVE DEPARTMENTS & ADMINISTRATION

Clark, Shirley M., Chm.	Boisvert, Wilfred
Bouchard, Maurice L., V. Chm.	Croft, Shirley
Gardner, Van H.	Cote, Joseph
Moran, Philip D.	Walsh, Edward

Greeley, A. Stephen  
 Welch, Shirley B.  
 Chandler, James A.  
 Noble, John H.  
 Withington, Richard W., Sr.  
 Lovell, Kenneth C.  
 Davidson, Donald C.  
 French, Marshall  
 DeWolfe, L. James, Jr.

Gagnon, Rebecca  
 Roy, Edgar  
 Bouchard, Arthur  
 Boire, Henry

### FISH AND GAME

Hayes, J. Donald, Chm.  
 Stimmell, John H., V. Chm.  
 Cheney, George L.  
 Forbes, Roxie A.  
 Huggins, Harry F.  
 McCuin, Percy W.  
 Kinney, Paul L.  
 Chamberlin, Nelson H.  
 Tirrell, Loring V.  
 Sawyer, Frank N.  
 Randall, Anthony T.  
 Clark, Ernest D.  
 Oswell, George W.

Hunt, Roger  
 Bushey, Walter  
 Maynard, Ralph  
 Simard, Andre  
 Tromblay, Hector  
 Barrett, William  
 Chamard, Francis  
 Connors, Thomas

### JUDICIARY

Zachos, Kimon S., Chm.  
 Frizzell, Martha McD., V. Chm.  
 Griffin, Margaret A.  
 Eastman, Edwin W.  
 Palmer, Mildred L.  
 Andrews, William T.  
 Halvorson, Alf  
 Record, Louis D.  
 Nighswander, Esther R.  
 Brungot, Hilda C. F.  
 Sayer, James A.  
 Bradley, David H.  
 Underwood, Barbara J.

Healy, Daniel  
 Theriault, Romeo  
 Brunner, George  
 Riley, Doris  
 Drabinowicz, Theresa  
 Tarr, Kenneth  
 Habel, Eugene  
 Alukonis, Stanley  
 Lynch, Doris

## LABOR, HUMAN RESOURCES &amp; REHABILITATION

Merrill, Shirley K., Chm.	O'Hara, Richard
Cate, Milton A., V. Chm.	Dion, Leo
Sanders, Horace W.	Radway, Laurence
Knight, Alice Tirrell	Lavallee, Josaphat
Stevenson, Malcolm	Gamache, Ovila
Davis, Dorothy W.	McDonough, William
Thompson, Doris L.	Boisvert, Emile
Peabody, Raymond	O'Neil, Robert
Shulins, Jacob M.	
Howland, Wilfred B.	
Eaton, Clyde S.	
Ouellette, Romeo	
Ineson, John H.	

## LIQUOR LAWS

Collishaw, Lyman E., Chm.	Vachon, Marcel
Enright, Edward H., V. Chm.	Desmarais, William
Nabil, Sam J.	Desilets, Romeo
Jameson, J. Walter	Cote, Peter
Quirk, Jeremiah	Peabody, Arthur
Richardson, Mabel L.	Chevrette, Michel
Richardson, Harriet W. B.	O'Connor, James
Mitchell, Lester	Grady, Emmet
Murphy, Francis	Lomazzo, Joseph
	Sweeney, James
	Chamard, Frances
	Barrett, William
	D'Amante, Carmine

## MUNICIPAL AND COUNTY GOVERNMENT

Hanson, Richard D., Chm.	Bednar, John
Allen, James F., V. Chm.	Chevrette, Michel
Barker, Sheldon L.	Burke, John
Cox, Grace N.	O'Connor, Timothy
Tripp, J. Thornton	Brunnelle, Arthur
Randlett, Dorothy V.	Belzil, Gloria
Richardson, Mabel L.	O'Neil, Robert E.
Blain, Arthur	Chasse, Peter
Mann, Ezra	
Benton, Richardson D.	

Campbell, Allan  
 Ackerson, Elmer R., Sr.  
 Little, Fred D.

### PUBLIC HEALTH AND WELFARE

Spaulding, Roma, Chm.	Bernard, Mary
Lee, Dana H., V. Chm.	Sweeney, James
Johnson, Edward A.	Webber, Sadie
Drew, Harold	Mason, Samuel
Foster, Carl P.	Belzil, Gloria
Griffin, Ruth	Beaudoin, Leo
Goodrich, Vera E.	Maloomian, Helen
Howard, Donald	Perkins, John
Thompson, Barbara C.	
Conley, Raymond K.	
Haller, Martin R.	
Wilson, Helen F.	
Gordon, George E., III	

### PUBLIC WORKS

Trowbridge, C. R., Chm.	Fortier, Guy
Mann, Arthur F., V. Chm.	Barrett, Gerald
Spollett, Doris M.	Barnard, Roland
Davis, Esther	McGee, Edna
Davis, Alice	Carignan, Edgar
Dame, C. Cecil	Martineau
Cummings, Charles E.	Dumais, Roland
Hackler, Jacob M.	Studd, George
Bragdon, Orson H.	Chase, Donald
Coburn, Roscoe N.	
Fleming, Joseph O.	
Whittemore, David T.	
Parker, Harry	
Daniels, Forsaith	
Burns, Harold W.	

### RESOURCES, RECREATION AND DEVELOPMENT

Claffin, Russell G., Chm.	Oleson, Otto
Urie, H. Thomas, V. Chm.	Weilbrenner, Charles
Junkins, F. Leroy	Poehlman, Barbara
Williamson, Stanley H.	Lynch, Doris
Heald, Philip C., Jr.	Mayhew, Robert

Schwaner, Annie Mae	Rousseau, Omer
Tilton, John H.	Drouin, Florence
Kopperl, George D.	Clear, Daniel
Spalding, Kenneth W., Jr.	
Daloz, L. Albert, Sr.	
Fiske, Marguerite B.	
Fuller, Roland F.	
Miner, Donald	

### RULES

Roberts, George B., Jr., Chm.	Raiche, Robert E.
Cobleigh, Marshall W.,	Belcourt, Agenor
V. Chm.	Dion, Leo
O'Neil, James E.	
Bowles, Raimond	
Hayes, J. Donald	

### STATE INSTITUTIONS

Heald, Cleon E., Chm.	Mason, Samuel
Cochrane, Alexander, V. Chm.	Bissonnette, Oscar
Noyes, Chester D.	Lesage, Romeo
Anderson, Fayne E.	Murphy, Dennis
Morrison, Bessie M.	Barrows, Arthur
Churchill, Lawry W.	St. Onge, Roland
Preston, Howell F.	Lemieux, Armand
Rich, Marcia T.	Vachon, Marcel
Cummings, Richard E.	
Senter, Kenneth L.	
Maguire, Frank A., Jr.	
McCarthy, Walter D.	
Streeter, Bernard A.	
Vay, Mary T.	

### STATUTORY REVISION

McDonald, Maurice, Chm.	Sewell, Albert
Burleigh, Joseph, V. Chm.	Manning, Thomas
Hopkins, Ernest C.	Aubut, Adelard
Kinney, Paul L.	Altman, Carl
Glavin, William F.	Keefe, Mary
Murray, Fred E.	Forcier, Homer
Hughes, Roland S.	Lynch, John

Adams, Ferne P.	Chapley, John
Lawton, Robert W.	
Flint, Gordon B., Jr.	
Dunlap, Ralph W.	
Humphrey, Howard S., Sr.	
Palfrey, William	

### TRANSPORTATION

Hamel, Stanley A., Chm.	Coutermarsh, Ernest
Bridges, John F., V. Chm.	D'Amante, Carmine
Karnis, Theodore H.	McGee, Edna
Hammond, Ralph F.	Alukonis, Stanley
Mattice, Russell C.	Lachance, Henry
Parnagian, Aram	Woods, Gerald
Mudgett, Fred H.	McDermott, Walter
Bradley, Richard L.	Lambert, Lucien
Smith, Philip A.	York, Elmer
Greenwood, J. Henry	
Carter, Malcolm M.	
Sears, Madison W.	
Webster, T. Anne	

### WAYS AND MEANS

Reddy, Samuel, Jr., Chm.	Menge, John
McLane, Susan N., V. Chm.	Cullity, William
Brocklebank, Daniel	Clancy, Edward
Angus, George W.	Dulac, Lucien
Head, George A.	Belanger, Gerald
Warren, Edward G.	Twardus, John
Leavitt, James F.	Bourrassa, Edward
Galbraith, Donald B.	Maglaras, John
Gay, Charles	Grandmaison, Oscar
Johnson, Elmer	
Nutt, David C.	
Levy, Richard S.	
Yardley, William L.	
Beckett, John A.	

Reps. James E. O'Neil and Raiche offered the following resolution:

## RESOLUTION

*Resolved*, that the House has listened with gratification to the message of Governor Walter Peterson, and be it further

*Resolved*, that the Clerk be instructed to have the address printed in the Journal and that six hundred additional copies be printed in pamphlet form.

Adopted.

## REPORT OF THE COMMITTEE ON SPACE

The following is a recommendation for the assignment of Committee rooms for the 1971 Session of the House:

*State House**Basement Floor*

Room 11, (Wildlife) — Fish and Game

*First Floor*

Room 100 — Judiciary

Room 105-A — Education

Room 106 — Banks and Insurance

Room 107 — Constitutional Revision

Room 108 — Public Works

Room 113 — Environmental Quality & Agriculture

Room 114 — Statutory Revision

Room 115 — Transportation

Room 116 — State Institutions

Room 118 — Municipal and County Government

Room 119 — Executive Depts. and Administration

Room 313 — Legislative and Administrative Services

*Third Floor*

Room 314 — Ways and Means

Room 318 — Appropriations

*State Library* (Corner North State and Park Streets)*First Floor*

Room 101 — Public Health and Welfare

Room 100A — Claims, Military and Veterans' Affairs

Room 100 — Resources, Recreation & Development

*Second Floor*

Hallway — Liquor Committee

Room 201 — Labor, Human Resources &amp; Rehabilitation

Should you have any question, please feel free to contact the Committee.

George B. Roberts, Jr.  
C. Robertson Trowbridge  
Theresa A. Drabinowicz  
*Committee on Space*

Accepted.

Rep. Cullity appeared before the Governor and Council and was qualified as a member of the 1971 session.

On motion of Rep. Margaret Griffin the House adjourned at 12:29 P. M. to meet Tuesday next at 11:00 A. M.

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*Tuesday, 12Jan71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer of East Rochester as follows:

O LORD GOD, in the midst of our busy lives, we pause for this quiet moment to gather strength for this busy day and this busy week. As we live in trying and rapidly changing times, where new occasions teach new duties and bring forth new responsibilities, prepare us for these and all challenges that shall confront us, that our labors in this House may prosper our people and guide our State away from the rocks of adversity. If the darkness of doubt assails us, give us the reassurance of your love and the confidence of your truth in all our worthy endeavors. Amen.

Rep. Hughes led the Pledge of Allegiance.

## LEAVES GRANTED

Reps. Lomazzo and Senter indefinite leaves of absence account of illness.

Rep. Benton leave of absence for the day on account of important business.

Rep. Noyes leave of absence for the week on account of illness.

Rep. Kinney leave of absence for the week on account of a death in the family.

## COMMUNICATION

Dear Mr. Goode:

I am not sure you are the one I should be writing to, but I feel that you are as close to the problem as anyone and can get the message to the members of the General Court.

Over the past fifteen to twenty years, parking in the downtown area of Concord has been a tremendous problem at best. Needless to say, when the General Court is in session, the problem is multiplied ten fold. This department and all of the city as a matter of fact, have tried to be cooperative and realistic about the situation even though at times it seemed we were operating on a one way street.

On this date, I have had numerous calls from irate citizens, taxpayers, merchants and city officials to the effect that no one has been able to get near city hall and the public library and some Main Street stores. Crosswalks and fire hydrants have been blocked to the point of becoming a serious hazard. On this basis, I am advising my men to tag cars that are in flagrant violation in front of city hall, the public library and directly in front of Main Street merchants that depend on turnover parking for their livelihood. These tickets will not be excused.

We will still abstain from ticketing cars on streets bordering the State House and Annex such as Park, Capital, School and Center Streets with the exception of the south side of School Street between Main Street and State Street. We will not get excited about cars in public parking lots even though the meter time has expired. We are not overly concerned with cars

on Main Street that are parked in front of the Plaza or the urban renewal projects.

I hope this may clarify the situation and alleviate the never ending problem of legislative parking.

Sincerely,

Walter H. Carlson  
Chief of Police

### COMMUNICATION

November 25, 1970

Honorable Marshall W. Cobleigh  
Speaker of the House

Dear Speaker Cobleigh:

Pursuant to your appointment, a Speaker's Special Committee on Security Arrangements organized and held its first meeting on September 30, 1970 and its second meeting on November 18, 1970.

Members of the Special Committee are: Honorable Kimon S. Zachos, Honorable Kenneth L. Sherman, Honorable Robert E. Raiche, Honorable Ernest R. Coutermarsh and Honorable Raimond Bowles, Chairman.

The Committee was ably and conscientiously assisted during its two meetings, and during the intervening interval, by Attorney General Warren Rudman; Colonel Joseph L. Regan, Director of State Police; Major General Francis B. McSwiney, N. H. Adjutant General and Colonel James C. Franggos, Military Support Plans Officer of the National Guard; House Clerk J. Milton Street; and Senate Clerk Wilmont S. White, for State Senate liaison purposes.

Attached are minutes of the September 30 and November 18 meetings; legal opinions from Kimon S. Zachos, R. Laurence Cullen and J. Milton Street, all requested from the Chairman concerning the election of House "Officers"; and a summary report from Warren B. Rudman as to kinds of disturbances to be anticipated and recommendations thereto.

The Special Committee met in executive session on November 18, 1970 and recommends the following:

1. That the Speaker appoint a minimum of three trained security personnel, one of whom as "Chief Executive Officer", "Master Sergeant-at-Arms", "Chief of Staff" or some such designation shall function not only as chief security officer but shall be directly responsible for the job performances and training of all House attaches and officers, under the general authority of the Speaker. The responsibilities, authority and duties of the chief security officer and the clerk should be carefully delineated.
2. That identification cards with photos be issued to all members of the House. That no lobbyists will be permitted between the House and Senate anteroom on the second floor (except for normal access to and egress from the Senate Sergeant-at-Arms area); nor in the House Sergeant-at-Arms area while the House is in session; and at no time will lobbyists be permitted on the House floor.
3. That floor passes for guests of members be issued only by the Speaker, Clerk, or Assistant Clerk, made known to and reviewed by the chief security officer and that said passes clearly define what is "permissible conduct".
4. That the proposed House security personnel be trained in methods and procedures to be followed in case of a bomb or explosive threat. Such methods and procedures should be carefully coordinated and meshed with state plans and procedures for other public buildings and with the proper official(s) assigned to such duties for the State House building staff.
5. That a special State Police telephone number (now available) shall be made known to the Speaker, the Clerk and the chief security officer for instant response to disturbances, bomb scares, etc. which clearly cannot be handled by the proposed security personnel. Simultaneously, the Concord Police Department should be notified in such cases.
6. That the New Hampshire National Guard shall be called for assistance only through recommendations by the Director of State Police or the Attorney General which shall be made to the Governor for his determination.

7. That basic rights of petition, assembly and freedom of speech shall not be circumscribed by the above security arrangements, provided the exercise of such rights do not unduly interfere with orderly legislative processes.

We trust the above security recommendations, deemed to be appropriate in New Hampshire and in no way comparable to the scope of those in force or proposed in Wisconsin, Michigan, California, or New York, for example, will make a contribution to your plans and be useful to this House when it convenes in 1971.

Except for the attendance of Wilmont S. White, we have had no coordination with the Senate. Should that be necessary, other than through your efforts, we stand ready to assist.

Respectfully submitted,

Raimond Bowles, Chairman  
Speaker's Committee on Security Arrangements

The Speaker appointed the following as Tellers:

Rep. Enright — Div. 1  
Rep. Raiche — Div. 2  
Rep. Zachos — Div. 3  
Rep. Reddy — Div. 4  
Rep. Trowbridge — Div. 5

The Speaker appointed the following as Mileage Board Monitors:

Div. 1 — Hayes, Avery.  
Div. 2 — Leavitt, Cleon Heald, Bushey, Charles Cummings.  
Div. 3 — Montplaisir, Bragdon, Van Gardner, Junkins.  
Div. 4 — MacDonald, Anderson, Hackler, Collishaw.  
Div. 5 — Warren, Fuller.

## AMENDMENTS TO HOUSE RULES

Rep. George Roberts moved that the reading of the Rules be dispensed with.

Adopted.

Rep. O'Neil moved that the Rules of the House be amended by Adding to the end of Rule No. 2, "which appeal shall be decided by a majority vote of the members present and voting."

So that Rule 2 shall read as follows:

2. He shall preserve decorum and order, may speak on points of order in preference to other members, rising for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members, *which appeal shall be decided by a majority vote of the members present and voting.*

Adopted.

Rep. Trowbridge moved that Rule 4 of the House be amended by:

Adding a new second sentence: "No member shall serve on more than two standing policy committees."

So that Rule 4 shall read as follows:

4. All committees shall be appointed by the Speaker unless otherwise directed by the House, provided the membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the membership of the House belonging to the majority party bears to the House membership of the minority party. *No member shall serve on more than two standing policy committees.* The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party floor leader. Notwithstanding the provisions of this rule, the Speaker and the minority party floor leader may agree upon a different proportion for the membership of any particular committee.

Rep. Trowbridge explained the amendment to House Rule 4.

Adopted.

Rep. Trowbridge moved that Rule 10 of the House be amended to read as follows:

10. The Speaker shall have power to substitute any member to perform in the duties of the Chair; If the Speaker is absent, the Deputy Speaker shall perform the duties of the Chair unless otherwise ordered by the House.

Rep. Trowbridge explained the amendment to House Rule 10.

Adopted.

Rep. Trowbridge moved that Rule 5 of the House be amended by:

Omitting the word "standing" in lines 2, 5 and 6.

Omitting the words "composed of the members of any committee" at the end.

So that Rule 5 shall read as follows:

5. The Speaker, unless otherwise ordered by the House, shall refer to the appropriate committees all bills, resolutions, memorials, petitions, accounts, and other matters coming before the House, and upon recommendation of the Committee on Rules may refer the same jointly to two committees or to a special committee.

Rep. Trowbridge explained the change to House Rule 5.

Adopted.

The Speaker announced the following appointments:

Deputy Speaker, Rep. James E. O'Neil.

Majority Floor leader, Rep. George Roberts.

Minority Floor leader, Rep. Raiche.

Assistant Majority Floor leaders, Reps. Trowbridge and Zachos.

Majority Whip, Rep. Bowles.

Assistant Minority Floor leaders, Reps. Cares, Coutermarsh, Radway and Robinson.

(Deputy Speaker James O'Neil in the Chair)

Rep. Bowles moved that Rule 9 of the House be amended by:

Adding after the word "House," the words "the Governor,". Strike out in line 4, "unless by invitation of the Speaker" and replace with "while the House is in session, except on invitation of a member who shall obtain guest cards from the Speaker, the Clerk or the Assistant Clerk."

So that Rule 9 shall read as follows:

9. No person but the members and officers of the House, *the Governor*, members of the Council and members of the

Senate, the Secretary of State, Treasurer, and Clerks of the Senate shall be admitted within the door of the Representatives' chamber *while the House is in session except on invitation of a member who shall obtain guest cards from the Speaker, the Clerk, or the Assistant Clerk*, except in public hearings, parties, their counsel and witnesses under the direction of the Speaker.

Rep. Bowles explained the change to House Rule 9.

Adopted.

Rep. Scamman moved that Rule 11 of the House be amended by:

Adding to the end of the paragraph, "declaring as he does the purpose for which he rises to speak."

So that Rule 11 shall read as follows:

11. When any member is about to speak in debate, make a motion, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, *declaring as he does the purpose for which he rises to speak*.

Rep. Scamman explained the change to House Rule 11.

Adopted.

Rep. Trowbridge moved that Rule 12 of the House be amended by:

Deleting rest of sentence after the word "case" in line 5 and insert in its place "by a majority vote of the members present and voting."

Adding to the end of the Rule the words "but if there is no immediate appeal, the decision of the Speaker shall be conclusive."

So that Rule 12 shall read as follows:

12. If any members transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, and the question of order shall then be distinctly stated from the chair, and the House if appealed to, shall decide the case *by a majority vote of the members present and voting, but if there is no immediate appeal, the decision of the Speaker shall be conclusive*.

The Clerk read House Rule 12 in full.

Rep. Trowbridge explained House Rule 12.

Adopted.

Rep. Trowbridge moved that Rule 30 of the House be amended by:

Adding "or Committee" after the word "House" in the two instances.

So that Rule 30 shall read as follows:

30. Each member shall seasonably and punctually attend to his duty in the House *or Committee*, and no one shall absent himself from the service of the House *or Committee* unless he have leave, or be sick and unable to attend.

The Clerk read House Rule 30 in full.

Rep. Trowbridge explained House Rule 30.

(discussion ensued)

Adopted.

Rep. Michels moved that Rule 38 of the House be amended by:

Deleting in third line the word "Clerk" and insert "Office of Legislative Services". Insert new second and third sentences to read as follows: "Legislative Services shall prepare the bills, resolutions, petitions, memorials and other papers in proper form and shall present the same to the member for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries an appropriation and all such legislation shall be prepared for signature by the sponsor by March 1.

Insert New paragraph: During any adjournment the Speaker may receive bills and resolutions for printing and for reference to committee; provided that no bill shall have a public hearing until it is formally introduced into the House. The Speaker shall take up all bills and resolutions for introduction at the early session.

So that Rule 38 shall read as follows:

38. All petitions, memorials and other papers addressed to the House and all bills and resolutions to be introduced in the

House shall be delivered or caused to be delivered to the *Office of Legislative Services* by the person presenting them. *Legislative Services shall prepare the bills, resolutions, petitions, memorials and other papers in proper form and shall present the same to the member for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries an appropriation and all such legislation shall be prepared for signature by the sponsor by March 1.*

During any adjournment the Speaker may receive bills and resolutions for printing and for reference to committee; provided that no bill shall have a public hearing until it is formally introduced into the House. The Speaker shall take up all bills and resolutions for introduction at the early session.

Rep. Michels explained House Rule 38.

(discussion ensued)

Adopted.

Rep. Scamman moved that Rule 40 of the House be amended by:

Inserting after the word "readings" the words "and referral to committee" and after the word "only" the words "which may be accomplished by a conglomerate resolution." Delete in line four the word "standing".

So that Rule 40 shall read as follows:

40. Every bill shall have three several readings in the House previous to its passage. The first and second readings *and referral to committee* shall be by title only *which may be accomplished by a conglomerate resolution*, after which the bill shall be referred by the Speaker to the appropriate committee and shall be printed as provided in Rule 42, unless otherwise ordered by the House. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

Rep. Scamman explained House Rule 40.

(Discussion ensued)

Adopted.

Rep. Trowbridge moved adoption of new House Rule 60.

(Discussion ensued)

Rep. Bowles explained proposed House Rule 60.

The Speaker withdrew House Rule 60 until tomorrow.

Rep. Bowles moved adoption of new House Rule 61.

The Clerk read proposed House Rule 61 in full.

Rep. Bowles explained House Rule 61.

(Discussion ensued)

Rep. George Roberts moved that proposed House Rule 61 be laid on the table until tomorrow at 11:01 and spoke in favor of the motion.

Adopted.

(Speaker in the Chair)

Rep. Bowles moved that the order whereby HB 6, relative to the power of Hesser College to grant degrees, was referred to Statutory Revision be vacated and it be referred to Education.

Adopted.

## SENATE MESSAGE

Senate acceded to House Request for a Committee of Conference on:

SCR 1, Joint Rules.

and the President has appointed as members of said Committee on the part of the Senate: Senator Bradshaw and Senator Spanos.

## RESOLUTION

The House adopted the following resolutions:

*Whereas*, we have learned with regret of the deaths of former representatives

Rep. Sarkis N. Maloomian of Somersworth

Rep. Clayton Osborn of Portsmouth

Rep. C. Dean Shindledecker of Hampton

Rep. Arthur H. Fox of Wakefield  
Rep. Charles H. Bent of Northfield  
Rep. Francis T. Nourie of Manchester  
Rep. Joseph Martel of Manchester  
Rep. Ralph W. Boisvert of Nashua  
Rep. Manson B. Smith of Hebron  
Rep. Scott Eastman of Weare  
Rep. Frank Cavaric of Kingston  
Rep. Walter R. Nelson of Goshen  
Rep. Howard Burrill of Monroe  
Rep. Seeley Philbrick of Springfield.

*Whereas*, They served their communities faithfully and efficiently, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to their families, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to their families.

Adopted by a unanimous standing vote of silent prayer.

\* \* \*

## RESOLUTION

Rep. Reddy offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 68 through 73 and House Joint Resolution number 8 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS and a HOUSE JOINT RESOLUTION First, second reading & reference

HB 68, prohibiting the hunting or taking of albino deer, and defining the same. (Bradley of Grafton Dist. 19 — To Fish and Game.)

HB 69, to exempt commercial fishing boats and other commercial vessels from the property tax. (Hammond of Rockingham Dist. 22; Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 70, abolishing the police commission in the town of Wolfeboro. (Chase of Carroll Dist. 7 — To Municipal and County Government.)

HB 71, relative to authority of the coordinating board of advanced education and accreditation. (Clark of Strafford Dist. 4 — To Education.)

HB 72, providing for the acquisition of portraits of the governors of New Hampshire and the chief justices of the Supreme Court of New Hampshire. (Noble of Merrimack Dist. 27 — To State Institutions.)

HB 73, enabling the state of New Hampshire to participate in the Federal Food Stamp Program and making an appropriation therefor. (Merrill of Grafton Dist. 13; Clark of Strafford Dist. 4; Radway of Grafton Dist. 9 — To Public Health and Welfare.)

HJR 8, relative to retirement credit for Herbert R. Hagstrom. (Bowles of Rockingham Dist. 27 — To Claims, Military and Veterans Affairs.)

On motion of Rep. Alice Davis the House adjourned at 1:01 P.M. to meet tomorrow at 11:00 o'clock.

*Wednesday, 13Jan71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer of East Rochester as follows:

Dear GOD — look down upon us today, we've got a lot of work to do and your guidance can help us in making right decisions. Loving FATHER — we know that we live in a troubled world, a world in need of reconciliation through truth and love — share your love with us and teach us to do the same. Gracious CREATOR — pardon us for the mis-use of your creation, make us wise enough to preserve your handiwork for future generations. O Guiding SPIRIT — make known your presence to us, enable us to overcome the destructive forces in our world, enable each of us to build a better world by our activity today. Amen.

Rep. Lagroe led the Pledge of Allegiance.

#### LEAVE GRANTED

Rep. Benton for the day, important business.

#### RESOLUTION

The Laconia Delegation offered the following resolutions.

#### RESOLUTIONS

*Whereas*, we have learned with sorrow of the passing of Mildred H. Bucklin, wife of Forrest Bucklin of Laconia, Custodian of Mails, therefore be it

*Resolved*, that we, the Members of the New Hampshire House of Representatives in General Court convened, do hereby extend our sincere sympathy to Mr. Bucklin in his loss, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to Mr. Bucklin.

Unanimously Adopted.

Rep. Randlett moved that the Rules of the House be so far suspended as to dispense with reference to committee and

public hearing on HB 53, changing the effective date of a charter approved by the voters of the city of Laconia, and that said bill be ordered to third reading and final passage at the present time.

Rep. James O'Neil moved that HB 53 be laid on the table.  
Adopted.

### AMENDMENTS TO HOUSE RULES

Rep. O'Neil moved that Rule 20 of the House be amended by:

Interchanging sections sixth and seventh.

So that Rule 20 shall read as follows:

20. When any question is under debate, no motion shall be received, but, first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; *sixth, to amend; seventh to postpone indefinitely*; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter.

Rep. O'Neil explained Rule 20.

Adopted.

Rep. Trowbridge moved that Rule 32 of the House be amended by:

Striking the paragraph on the duty of the Committee on Appropriations and substituting the following paragraphs:

It shall be the duty of the Committee on Appropriations to examine and take into consideration the state of the treasury; to consider the budget, subjects concerning the financial interests of the state, all measures carrying appropriations of state money (except claims against the state), and such other matters as may be referred to it. Prior to its report to the House, the Committee on Appropriations may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation.

*The Committee shall submit to the House on or before May 1 a budget bill for the biennium which submits a budget balanced within existing revenue sources as set forth in the revenue resolution provided for by House Rule 32 in the portion thereof relative to the duties of the Ways & Means Committee in the amount last adopted by the House prior to May 1. In addition, the Committee shall report to the House all other bills by the date established therefore by the Joint Rules. All bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass", "ought to pass with amendment", "recommended but to be laid on the table because not funded", or "inexpedient to legislate". Further provided that the Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state even though such budget bill would exceed the revenue estimate set forth in the revenue resolution prepared by the Ways and Means Committee.*

Rep. Trowbridge explained Rule 32.

(Discussion)

## PARLIAMENTARY INQUIRY

Rep. Drake rose on a point of parliamentary inquiry.

Rep. Raiche spoke in favor of amendment to Rule 32.

Adopted.

Rep. Michels moved that Rule 32 of the House be amended by:

Add new section: Legislative Administration

Add the prefix "Sub" before the word "Committee on Elections" in the first line.

Add the prefix "Sub" before the word "Committee on the Journal" in the first line.

Add the prefix "Sub" before the word "Committee on Mileage" in the first line.

Add the prefix "Sub" before the word "Committee on House Resolutions and Non-legislative Activities" in the first, sixth and eighth lines.

Delete the words "Non-Legislative Activities" in the second line and insert in its place the word "Screening".

Add to the end of the Rule the following: "The Subcommittee shall also examine all proposed legislation filed with Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content."

So that these paragraphs of Rule 32 shall read as follows:

*It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process, including without limitation mileage, elections, the journal, House Resolutions and Screening and any such other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.*

It shall be the duty of the Subcommittee on Elections to examine and report upon the credentials of the election of the members returned to serve in the House and to take into consideration all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.

It shall be the duty of the Subcommittee on the Journal from day to day and before the commencement of the early session to examine the Journal of the preceding day and report to the House at once any errors; provided, however, that the Journal of the preceding day shall be read at the opening of the early session whenever requested by any ten members.

It shall be the duty of the Subcommittee on Mileage to determine the distance travelled by each member of the House and report to the House the names of the several members and the mileage allowed to each.

It shall be the duty of the Subcommittee on House Resolutions and Screening to examine all House resolutions and proposed non-legislative activities for the purpose of determining whether or not same are of sufficient importance or interest to warrant being brought before the House. No such resolutions or activities shall be brought before the House unless they are approved by the Subcommittee. Any such resolutions or activities brought before the House with the approval of the Subcommittee shall be scheduled so as not to interfere with the official business of the House. The term "non-legislative activ-

ities" shall include the introduction of House guests, seat pocket insertions and journal announcements. *The Subcommittee shall also examine all proposed legislation filed with Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content.*

Rep. Michels explained amendment to Rule 32.

(Discussion)

Rep. Michels yielded to Rep. George Roberts to answer questions.

Rep. Roberts further explained amendment to Rule 32.

### PARLIAMENTARY INQUIRY

Rep. George Roberts rose on a point of parliamentary inquiry.

Adopted — amendment to Rule 32.

Rep. Trowbridge moved that Rule 32 of the House be amended by:

Striking the paragraph on the duty of the Ways and Means Committee and substituting the following:

It shall be the duty of the Committee on Ways and Means to examine and take into consideration the state of the treasury, to consider and report on all bills and resolutions relating to raising money by a state tax, the apportionment of the same, and all other methods for raising revenue for the state; *to submit a House Resolution on or before April 1 giving a definitive estimate of all revenue available to the state from current revenue sources such resolution to be subject to amendment prior to May 1 by majority vote of the House on a motion by the Ways and Means Committee upon receipt of additional revenue information*; to consider and report upon every other subject concerning the financial interest of the state, and such other matters as may be referred to it.

Further, Delete entire Rule 36-a.

Adopted.

Rep. Raiche moved that Rule 32 of the House be amended as follows:

Amend House Rule 32 regarding the duty of The Committee on Ways and Means by adding, after the word current revenue *SOURCES* on line nine, *AS OF JANUARY, 1ST*.

The Clerk read the amendment in full.

Rep. Raiche explained his amendment.

Reps. Trowbridge, Bednar and Belanger spoke in favor of the Raiche amendment.

The Clerk read the amendment a second time.

The question being on the adoption of the Raiche amendment.

Adopted.

Rep. Bednar moved that Rule 32 of the House be further amended as follows:

In the section regarding the duty of the Committee on Appropriations:

Amend House Rule 32 by adding after the word *SOURCES* on line three, paragraph 2 *AS OF JANUARY 1ST*.

The Clerk read the Bednar amendment in full.

Rep. Bednar explained his amendment.

Rep. Trowbridge spoke in favor of the Bednar amendment.

Adopted.

Rep. Trowbridge moved the adoption of Rule 32 as amended by the Bednar amendment regarding Appropriations.

Adopted.

Rep. Bowles moved that the Rules of the House be amended by:

Adding new Rule 59:

59. The Speaker may designate any legislative day as a consent calendar day by giving printed notice in the journal for the three legislative days immediately preceding said day. No matter shall be acted upon on any such day except those placed on the calendar for such a day and printed in the calendar of the journal for the two days immediately preceding

such a day. All such matters, on a consent calendar day, shall be acted on without debate. Any member may request, on a consent calendar day, at any point in the action on any such matter that it be passed over. No further action shall be taken on said matter on that day and any action or votes taken prior to said request shall be thereby automatically rescinded. It shall be placed on the calendar for the next legislative day and shall be before the House for action on said legislative day.

Rep. Bowles explained new Rule 59.

(Discussion)

Rep. O'Hara spoke against Rule 59.

Motion lost.

Rep. George Roberts requested a division.

The Clerk read Rule 59 in full.

204 members having voted in the affirmative and 94 in the negative the motion to adopt new rule 59 was adopted.

Rep. Bowles moved that the Rules of the House be amended by:

Adding new Rule 60:

60. If more than one House member requests that legislation of an involved and voluminous nature be drafted on the same subject matter, but with some variations so that the main body of each bill even though drafted separately would be practically duplicates, the Office of Legislative Services shall advise the Subcommittee on House Resolutions and Screening of such a situation. The subcommittee, after consultation with the requesting members, shall endeavor to have them co-sponsor one bill but if this cannot be achieved it may find that it is in the best interests of the House for the sake of expediency and clarity of understanding to provide for expository bills. If the subcommittee so finds, it shall direct the Office of Legislative Services to draft a model bill providing for a statute which achieves the prime purpose requested by all such members but which shall not include all the variations which any one of them has specified. Said bill shall be introduced into the House by the Subcommittee on House Resolutions and Screening as a model bill. The subcommittee shall then also direct the Office of Legislative Services to draft a bill for each of the requesting mem-

bers, or for any member who at a later date requests a similar bill, in expository form only, that is to say, such bills shall not be drafted in legal or statutory form but shall explain in ordinary language and form what each such bill proposes and in such expository form they shall be introduced into the House; provided however that any member may insist on having his legislative request drafted in legal form even though the bill is also drafted in expository form. Such a model bill and all the expository bills on the same subject matter shall be referred to the same committee.

Rep. Bowles explained new Rule 60.

(Discussion)

Rep. George Roberts spoke in favor of Rule 60.

Adopted.

Rep. Trowbridge offered an amendment to present Rule 58 as follows:

Amend existing Rule 58 by striking out the words "May first" and substituting the words "June first".

Adopted.

The Clerk read Rule 58 in full.

Rep. Trowbridge explained Rule 58.

Reps. Raiche and George Roberts spoke in favor of Rule 58.

Rep. Reddy explained Rule 58.

(Discussion)

Adopted.

Rep. George Roberts moved that new Rule 61 be taken from the table.

Rep. Bowles moves that the Rules of the House be amended by:

Adding new Rule 61:

61. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in his possession any

firearm while he is in the House Chamber, anterooms, cloak-rooms, or any portion of the State House adjacent to any of the above.

Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action and arrest or both by action of the House.

Adopted.

Question being on adoption of Rule 61.

Rep. Bowles spoke in favor of Rule 61.

(Discussion)

(Speaker in the Chair)

Rep. DeWolfe moved that Rule 61 be indefinitely postponed.

Rep. Boucher spoke in favor of the motion.

Rep. Mallat moved the previous question and it was sufficiently seconded.

Question being, shall the main question now be put.

Adopted.

Question now being on the motion to indefinitely postpone.

## PARLIAMENTARY INQUIRY

Reps. Trowbridge and Malcolm Stevenson rose on a point of parliamentary inquiry.

Rep. Gordon requested a roll call, seconded by Rep. Boucher.

## ROLL CALL

Yeas: 46

### MERRIMACK COUNTY:

Hardy, Riley, Gamache, Gordon, Dempsey, Chapley, Howland.

## ROCKINGHAM COUNTY:

Boucher, Soule, Adams, O'Neil, Robert E., Sayer, Smith, Philip A., Woods.

## STRAFFORD COUNTY:

Canney, Ineson, Carignan, DeWolfe.

## SULLIVAN COUNTY:

Campbell, Nahil, Downing.

## BELKNAP COUNTY:

Hood.

## CARROLL COUNTY:

Cox, Hayes.

## CHESHIRE COUNTY:

Forcier.

## COOS COUNTY:

Desilets.

## GRAFTON COUNTY:

Buckman, Mitchell.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Karnis, Carter, Coburn, Belzil, Mason, Aubut, Grandmaison, Ouellette, Rodgers, Dwyer, Lyons, Manning, Lynch, John T., Lamy, Allard, Lesmerises, O'Connor, Timothy K.

Nays: 321

## MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Parker, Harry C., Reddy, Hanson, Enright, Little, Bartlett, Avery, Perkins, Kopperl, Thompson, Doris L., Burleigh, Greeley, Mattice, Humphrey, James A., Michels, Cate, York, Edward H., Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, Mac-

Donald, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley B., Tarr.

ROCKINGHAM COUNTY:

Fernald, Stimmell, Wilson, Helen F., Griffin, Margaret A., MacGregor, Read, Lovell, Belair, Gelt, Morrison, Clark, Ernest D., White, Palmer, Schwaner, Spollett, Greenwood, Goodrich, Vey, Sewall, Twardus, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Hamel, Randall, Cheney, George L., Fiske, Casassa, Cunningham, Langley, Leavitt, Greene, Hammond, Weeks, Maynard, McEachern, Chandler, Griffin, Ruth L., Quirk, Connors, Palfrey, Bowles, Jameson, Levy, Croft.

STRAFFORD COUNTY:

McIntire, Brown, Smith, Elmer C., Stevenson, Douglas M., Beckett, Clark, Shirley M., Cochrane, Tirrell, Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Dumais, Towle, Thompson, Barbara C., Ruel, Beaudoin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Blanchette, Leighton, Peabody, Raymond B., Bernard, Webber, Fellows, Mudgett, Young, Parnagian, Richardson, Harriett W. B.

SULLIVAN COUNTY:

Townsend, Gaffney, Rousseau, Angus, Spaulding, Roma A., Barrows, Burrows, D'Amante, Flint, Saggiotes, Shulins, Frizell, Galbraith, Fleming, Williamson.

BELKNAP COUNTY:

Urie, French, Lawton, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Mutzbauer, McCarthy, Drouin, Huot, Head, Prescott, Randlett, Maguire, Whittemore.

CARROLL COUNTY:

Howard, Donald K., Davis, Esther M., Lagroe, Conley, Davis, Dorothy W., Webster, Chase, Russell C., Claflin, Hughes.

CHESHIRE COUNTY:

Johnson, Edward A., Churchill, Forbes, Trowbridge, Yardley, Cournoyer, McGinness, Allen, Bennett, Johnson, Elmer L.,

Couhglin, Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Saunders, Heald, Cleon E., Streeter, Moran, Barker, Cummings, Richard E., Drew.

COOS COUNTY:

Cook, Huggins, Bushey, Hunt, Mayhew, Lee, Burns, O'Hara, Oleson, Dubey, Fortier, Roy, Studd, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon, Theriault, Kidder, Richardson, Mabel L.

GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Tilton, Higgins, McGee, Brummer, LaMott, Mann, Ezra B., Anderson, Bradley, David H., Nutt, Radway, Gemmill, Dow, Foster, Duhaime, Roger M., Tremblay, Dudley, Merrill, Altman, Blain, Hopkins, Bell, Sears, Bradley, Richard L.

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Sawyer, Barnard, Knight, Monier, Poehlman, Weilbrenner, Colburn, Daloz, Mann, Arthur F., Murray, Eaton, Clyde S., Heald, Philip C., Warren, Ferguson, Bragdon, Spalding, Kenneth W., Brocklebank, Hall, Bouchard, Maurice L., Parker, Gerry F., Record, Belcourt, Trombley, Cote, Peter R., Drabinowicz, Desmarais, Gardner, Cleon J., Lachance, Chamard, Cote, Margaret S., O'Neil, Robert, Boisvert, Wilfrid A., Davidson, Sirois, Bissonnette, Gabriel, Alukonis, Bednar, Keeney, Cares, Peabody, Arthur H., Bridges, Harvell, Van Loan, Abbott, Ainley, Daniels, Milne, Zachos, Ackerson, Montplaisir, Murphy, Francis, Bruton, Cote, Joseph L., Dion, Duhaime, Armand L., Cullity, McDermott, Spirou, Walsh, Clancy, Healy, McDonough, Boisvert, Emile, Simard, Campono, Champagne, Chevette, Derome, Lemieux, Raiche, St. Onge, Robinson, Belanger, Lynch, Doris T., O'Connor, James P., Sweeney, Clear, Murphy, Dennis J., Levasseur, Martineau, Nalette, Brunelle, Lambert, Burke, Grady, Vachon.

46 members having voted in the affirmative and 321 in the negative, the motion did not carry.

The question now being, shall the new Rules 61 be adopted.

Adopted.

Rep. Trowbridge moved that "Suggested Rules for The Procedure of Legislative Committees for the guidance of Committee Chairman" be amended by:

Adding to the end of section 11, "Voting in Executive Sessions" the following:

"When a committee report has been decided by the proper majority the report shall be delivered to the Clerk and each committee report should be accompanied by an explanation of the committee action and intent of the legislation and/or any amendment thereto. Minority reports shall likewise be accompanied by a statement of intent."

So that suggested Rule 11 shall read as follows:

11. Voting in Executive Sessions. In order to bring committee action to a final decision, a committee member may make a motion such as follows: "Mr. Chairman, I move that this bill be reported ought to pass", or "Mr. Chairman, I move that this bill be reported ought to pass as amended," or "Mr. Chairman, I move that this bill be reported inexpedient to legislate". The Chairman should then state the motion and, then, after discussion is concluded, put the motion to vote. Such motion can only be carried by a majority vote of the required quorum. The rules of the House of Representatives and the Senate shall apply to parliamentary procedure in executive sessions of the committees of the respective houses, unless obviously inapplicable.

*When a committee report has been decided by the proper majority the report shall be delivered to the clerk and each committee report should be accompanied by an explanation of the committee action and intent of the legislation and/or any amendment thereto. Minority reports shall likewise be accomplished by a statement of intent.*

Rep. Trowbridge read the amendment and spoke in favor.

Rep. Raiche spoke in favor of the amendment.

Rep. Williamson spoke against the amendment.

(Discussion)

Adopted.

## SENATE MESSAGE

The Senate has voted to concur with the House of Representatives in the passage of House concurrent resolution No. 13, establishing a joint committee to select a Chaplain,

And the President of the Senate has appointed Sens. Foley and English.

## FURTHER SENATE MESSAGE

## INTRODUCTION OF SENATE BILL

First, second reading & reference

SB 1, increasing the temporary borrowing limit of the state. — Appropriations

## RESOLUTION

Rep. James O'Neil offered the following resolution:

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 74 through 87 and House Joint Resolution number 9 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

## INTRODUCTION OF BILLS

## and a HOUSE JOINT RESOLUTION

First, second reading & reference

HB 74, to provide for absentee voting in primary elections. (Spirou of Hillsborough Dist. 13 — To Statutory Revision.)

HB 75, to prohibit inciting to violence. (Stevenson of Grafton Dist. 1 — To Judiciary.)

HB 76, relative to students civil rights. (Stevenson of Grafton Dist. 1; Boisvert of Hillsborough Dist. 20 — To Judiciary.)

HB 77, relative to the powers of the board of nurse registration, duties of nurses, and increasing certain fees. (Goodrich of Rockingham Dist. 13 — To Public Health and Welfare.)

HB 78, to authorize the industrial development authority to provide housing for industrial workers. (Merrill of Grafton Dist. 13 — To Resources, Recreation and Development.)

HB 79, permitting eighteen year olds to serve liquor and beverage as an incident to his or her primary employment of serving food, liquor or beverage to patrons. (Clark of Strafford Dist. 4 — To Statutory Revision.)

HB 80, to reduce the percentage of alcohol in the blood constituting prima facie evidence of intoxication. (Hamel of Rockingham Dist. 17 — To Transportation and Aeronautics.)

HB 81, to reclassify certain sections of highway in the town of Meredith. (Lawton of Belknap Dist. 2 — To Public Works.)

HB 82, relative to the expenditure of funds in urban renewal programs. (Merrill of Grafton Dist. 13 — To Municipal and County Government.)

HB 83, relative to taking wild black bear. (Hayes of Carroll Dist. 3 — To Fish and Game.)

HB 84, relative to the deposit of funds with the state treasurer by the fish and game department. (Hayes of Carroll Dist. 3 — To Fish and Game.)

HB 85, increasing fees for bow and arrow and muzzle-loading licenses. (Bell of Grafton Dist. 18 — To Fish and Game.)

HB 86, relative to special licenses for taking birds and animals. (Hayes of Carroll Dist. 3 — To Fish and Game.)

HB 87, relative to the penalty for guiding an unlicensed hunter. (Hayes of Carroll Dist. 3 — To Fish and Game.)

HJR 9, to fund a nursing education aid program. (Cate of Merrimack Dist. 20 — To Public Health and Welfare.)

Rep. James O'Neil moved that HB 53 be removed from the table.

Adopted.

The question is on Rep. Randlett's motion to suspend the rules on House Bill 53, an act changing the effective date of a charter approved by the voters of the City of Laconia, so as to dispense with reference to committee and public hearing and that said bill be ordered to third reading and final passage at the present time.

Adopted.

## THIRD READING AND PASSAGE BY HOUSE

HB 53, an act changing the effective date of a charter approved by the voters of the City of Laconia.

## COMMITTEE ON LEGISLATIVE ADMINISTRATION

Michels, John R., Chm.

Mutzbauer, Jakob, V. Chm.

## Subcommittees

## Elections

Bradley, David H., Chm.

Healy, Daniel J.

Andrews, William T., V. Chm.

Fortier, Guy J.

Michels, John R.

## Enrolled Bills

Forbes, Roxie A., Chm.

Riley, Doris J.

Keeney, Phyllis, M., V. Chm.

Drabinowicz, A. Theresa

Chandler, James A.

## House Resolutions and Screening

Mutzbauer, Jakob, Chm.

Cares, Miles J.

Roberts, Charles B., V. Chm.

## Journal

Burleigh, Joseph, Chm.

Maloomian, Helen

Hamel, Stanley A., V. Chm.

## Mileage

Cassasa, Herbert A., Chm.

Desilets, Romeo A.

Tilton, John H., V. Chm.

Gaffney, William L.

Bragdon, Orson H.

## COMMITTEE CHANGES

Greenwood, J. Henry, to Claims

Mutzbauer, Jakob, to Appropriations

Hughes, Roland S., to Education

Chasse, Peter, to Liquor Laws

Dunlap, Ralph W., to Claims

Gaffney, William L., to Municipal & Cty. Govt.

D'Amante, Carmine F., to Liquor

Varrill, Robert W., to Fish & Game

Welch, Shirley B., from EDA to Stat. Rev.

Drew, Harold, from Public Health to State Institutions

Haller, Martin, from Public Health to State Inst.

Noyes, Chester D., from State Inst. to Public Health

Bouchard, Arthur, from ED&A to Res. Rec. & Dev.

On motion of Rep. Malcolm Stevenson the House adjourned at 2:10 P.M. to meet tomorrow at 11:00 o'clock.

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*Thursday, 14 Jan 71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer of East Rochester as follows:

Mr. Speaker — It is with heartfelt sadness and sorrow that we have learned of the tragic death of Denise Marcotte, sister of the Senator from the 20th District. (Sen. Ronald Marcotte). May we join in silent prayer for the Marcotte family during these most trying days.

#### SILENT PRAYER

THE LORD'S PRAYER: Our Father who art in heaven, hallowed be Thy Name, Thy Kingdom come; Thy Will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, and the power, and the glory, forever. Amen.

Rep. Palmer led the Pledge of Allegiance.

## LEAVES GRANTED

Rep. Simard, the day, illness.

Rep. Cleon Gardner, the day, death in the family.

Reps. Roger Duhaime, Benton, Lemieux, Donald Chase, Saunders, Huot, the day, important business.

Reps. Morrison, Connors, Quirk and Schwaner, the day, weather.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 88 through 102 and House Joint Resolution number 10 and Concurrent Resolution Proposing Constitutional Amendment number 4 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees. Adopted.

## INTRODUCTION OF HOUSE BILLS, HJR, CACR

First, second reading & reference

HB 88, to legalize the proceedings of the special meeting of the Pembroke school district held on July 28, 1970. (Little of Merrimack Dist. 9 — To Statutory Revision.)

HB 89, to prohibit smoking in busses. (Belcourt of Hillsborough Dist. 16 — To Transportation and Aeronautics.)

HB 90, relative to the purchase of waters or lands by the director of fish and game, and repealing the prohibition against transfers for such purpose. (Hayes of Carroll Dist. 3 — To Environmental Quality and Agriculture.)

HB 91, relating to investments of savings banks in real estate. (Radway of Grafton Dist. 9 — To Banks and Insurance.)

HB 92, relative to the correction of tax laws due to repeal of stock in trade and other taxes. (Reddy of Merrimack Dist. 5 — To Ways and Means.)

HB 93, relative to notice of foreclosure sales. (Clark of Strafford Dist. 4 — To Judiciary.)

HB 94, relative to payment of certain expenses of the Lebanon regional airport authority, and making an appropriation therefor. (Merrill of Grafton Dist. 13 — To Transportation and Aeronautics.)

HB 95, establishing an administrative procedures act. (Clark of Strafford Dist. 4 — To Executive Departments and Administration.)

HB 96, legalizing the special town meeting in Jaffrey, November 3, 1970. (Forcier of Cheshire Dist. 6 — To Statutory Revision.)

HB 97, relative to the number of years needed to compute the average final compensation under the teacher's retirement system. (Sayer of Rockingham Dist. 7 — To Appropriations.)

HB 98, to control snowmobiles and motor vehicles within highway rights-of-way. (Hamel of Rockingham Dist. 17 — To Transportation and Aeronautics.)

HB 99, relative to the power of McIntosh College, Inc. to grant degrees. (Maglaras of Strafford Dist. 20 — To Education.)

HB 100, relative to enacting the uniform state feed bill and repealing the commercial feed law. (Howard of Merrimack Dist. 26 — To Statutory Revision.)

HB 101, requiring the director, division of welfare to submit rules and regulations prescribed for child care agencies to the general court for approval. (Sweeney of Hillsborough Dist. 36 — To Public Health and Welfare.)

HB 102, lowering the age of exemption from the residential real estate tax from seventy to sixty-five. (Lemieux of Hillsborough Dist. 34 — To Ways and Means.)

HJR 10, providing for a study of overtime pay for all state employees. (Clark of Strafford Dist. 4 — To Executive Departments and Administration.)

CACR 4, Relating to: Special session organizational meetings of the legislature. Providing That: The legislature shall meet on the first Tuesday of December after the general election only for organizational purposes, and shall start its regular sessions, as now, on the first Wednesday of January. (Roberts of Belknap Dist. 6 — To Constitutional Revision.)

Rep. Russell Chase moved that the rules of the House be so far suspended as to dispense with reference to committee, public hearing of HB 70, abolishing the police commission in the town of Wolfeboro and that it be placed on third reading and final passage at the present time.

Rep. Chase explained HB 70. Adopted by the necessary two-thirds vote.

### THIRD READING AND PASSAGE BY HOUSE

HB 70, abolishing the police commission in the town of Wolfeboro.

### COMMUNICATION

The clerk has received communications regarding contested elections; these are referred to the Sub-committee on Elections.

### COMMITTEE REPORTS

#### HCR 1

Requesting Congress to call a convention for the purpose of amending the U. S. Constitution to provide for intergovernmental sharing of Federal income tax revenue. Ought to pass. Rep. Russell Chase for Constitutional Revision.

Rep. Parker spoke against HCR 1.

(discussion)

Reps. Davidson and Russell Chase spoke in favor of HCR 1.

Rep. Beckett spoke against HCR 1.

Rep. Radway moved that HCR 1 be referred to the Legislative Study Committee and spoke in favor of the motion.

Reps. George Roberts, Coutermarsh, Menge, Cares, Raiche and James O'Neil spoke against the motion.

Rep. Beckett spoke a second time in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

The question being, shall the main question now be put. Adopted.

The question now being, shall HCR 1 be referred to the Legislative Study Committee. Motion failed.

The question now being shall HCR 1 be read a third time. Adopted.

Rep. James O'Neil moved that the Rules of the House be so far suspended as to dispense with the required two days notice advertised in the Journal on SB 1, increasing the temporary borrowing limit of the state, and that it be taken up at the present time. Adopted by the necessary two-thirds vote.

## COMMITTEE REPORT

### SB 1

increasing the temporary borrowing limit of the state. Ought to pass. Rep. Ferguson for Appropriations.

Rep. Drake explained SB 1.

Rep. Cares spoke in favor of SB 1.

Ordered to third reading.

## RESOLUTIONS

Reps. George Roberts and Raiche offered the following resolution:

*Resolved*, that the clerk be authorized to renumber the House rules in numerical sequence without the use of letters, and to number or letter the paragraphs in present House rule 32, and to make such corrections in grammar and punctuation as may be necessary. Adopted.

Reps. George Roberts and Raiche offered the following resolution:

*Resolved*, that the Rules of the House may be amended by a majority vote on January 19, 1971. Adopted.

The Speaker announced that today is the birthday of Margaret Webber, House Telephone Messenger.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and resolutions by caption only, and that

when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

### LATE SESSION THIRD READINGS

SB 1, increasing the temporary borrowing limit of the state.

### RECONSIDERATION

Rep. Drake having voted with the majority, moved that the House reconsider its vote whereby it passed SB 1 and spoke against the motion. Motion lost.

### THIRD READINGS CONTINUED

HCR 1, Resolution Requesting Congress To Call A Convention For The Purpose Of Amending The U. S. Constitution To Provide For Intergovernmental Sharing of Federal Income Tax Revenue.

### RECONSIDERATION

Rep. George Roberts, having voted with the majority, moved that the House reconsider its vote whereby it passed HCR 1 and spoke against the motion. Motion lost.

### COMMITTEE CHANGES

Barbara S. Poehlman on Constitutional Revision

Deris T. Lynch off Resources, Recreation & Development

Robert L. Robinson on Resources, Recreation & Development  
and off Environmental Quality & Agriculture

Gerry F. Parker, II off Constitutional Revision and on Environmental Quality & Agriculture

Mary E. Bernard on State Institutions

Miles J. Cares on Constitutional Revision

Wilfred R. Cunningham on Executive Departments & Administration

Victor L. Kidder on Environmental Quality & Agriculture

Carroll E. Fellows on Constitutional Revision

On motion of Rep. Lawton the House adjourned at 1:08 P. M.

*Tuesday, 19Jan71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer of East Rochester as follows:

It is with heartfelt sadness and sorrow that we have learned of the death of Rep. Wiggin S. Gilman (Franklin — Ward 2). May we join in silent prayer for the Gilman family in this time of their loss.

#### SILENT PRAYER

ALMIGHTY GOD, whose power is unspeakable, enable us to wield those earthly powers committed to our trust as you have shown us in your just examples. O LORD our GOD, whose glory is incomprehensible, fill the empty vessels of our lives with such purpose that we build a better world for having known Thee. ETERNAL GOD, whose mercy is infinite, look down upon us with compassion as we weigh each issue before us. O GOD our FATHER, whose love knows no limits and sets no boundaries, teach us to make your work the order of this and every day, that we may love others as you have loved us. Amen.

Rep. Huggins led the Pledge of Allegiance.

#### LEAVES GRANTED

Reps. Dubey and Walsh, the day, illness.

Rep. Jameson, today and tomorrow, illness.

Rep. Noyes, the week, illness.

Rep. Lesage, indefinite, illness.

Rep. Ames, the day, funeral.

Rep. Stimmell, the day, important business.

Rep. Rodgers, the week, important business.

Rep. Morrison, two weeks, important business.

Rep. Hall, indefinite, death in family.

Rep. Ballam, the day, weather.

## QUALIFIED

The following persons appeared before the Governor and Council at their meeting on January 15, 1971 and were sworn in office as members of the 1971 General Court:

George A. Lang, Manchester — Ward 1  
Hillsborough County District No. 27;

Gerald J. Barrett, Manchester — Ward 2  
Hillsborough County District No. 28;

C. Edward Bourassa, Manchester — Ward 2  
Hillsborough County District No. 28.

Very truly yours,

Edward C. Kelley  
Deputy Secretary of State

The following person appeared before the Governor and Council at their meeting on January 19, 1971 and was sworn in as a member of the 1971 General Court:

Kenneth L. Senter, Derry  
Rockingham County District No. 5

Very truly yours,

Edward C. Kelley  
Deputy Secretary of State

## RESOLUTION

Rep. George Roberts offered the following resolution:

*Resolved*, that the accordance with the list in the possession of the clerk, House Bills numbered 103 through 107 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees. Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & reference

HB 103, relative to preparation of budget for university of New Hampshire. (Robinson of Hillsborough Dist. 35 — To Education.)

HB 104, to provide life insurance for national guardsmen while on active state duty. (Sawyer of Hillsborough Dist. 3; Vachon of Hillsborough Dist. 40; Mann of Grafton Dist. 6 — To Claims, Military and Veterans Affairs.)

HB 105, clarifying the commitment of juveniles. (Raiche of Hillsborough Dist. 34 — To Judiciary.)

HB 106, to clarify the definition of subdivision. (Fuller of Merrimack Dist. 26 — To Resources, Recreation and Development.)

HB 107, changing the classification of Pleasant Lake in the town of New London. (Andrews of Merrimack Dist. 1 — To Environmental Quality and Agriculture.)

Rep. Claffin moved that the order whereby HB 107, changing the classification of Pleasant Lake in the town of New London was referred to the committee on Environmental Quality & Agriculture be vacated and referred to the committee on Resources Recreation & Development.

Rep. Claffin explained his motion. Adopted.

### SENATE MESSAGE

Senate concurrence on HB 53, changing the effective date of a charter approved by the voters of the City of Laconia.

### ENROLLED BILLS REPORT

HB 53, changing the effective date of a charter approved by the voters of the city of Laconia.

SB 1, increasing the temporary borrowing limit of the state.

Roxie A. Forbes  
For The Committee.

### COMMITTEE REPORT

Committee Report to the Legislature —

The committee to study oil pollution in the territorial waters of the state appointed under chapter 60, laws of the 1970 session, included the following: Senators Porter, Tufts, and

Marcotte; Representatives Claflin, Greene, Junkins, Hammond, and Oleson. The committee selected as chairman Representative Claflin; vice-chairman, Senator Porter; and as clerk, Representative Greene.

The committee held seven meetings and two public hearings. In addition members have sat in on several meetings of other groups concerned with oil spillage, and attended a practice oil drill in Portsmouth Harbor and a demonstration of control materials.

The committee feels there is a serious problem and is proposing two bills to be introduced in the Senate by Senator Porter, which it hopes will be helpful in handling the situation. In addition, some way must be found to establish and fund a contingency reserve for administrative costs and emergencies caused by actual oil spills. Possible sources of money which should be studied include a value added tax, a transfer tax, license fees, or a bonding system.

The committee thanks the state departments for helpful suggestions and for assisting in the study; and equally thanks the organizations and individuals who took the time and interest to meet with the committee and to attend the public hearings.

Russell G. Claflin, Chairman

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Rep. Reddy offered the following House Concurrent Resolution No. 9.

#### HOUSE CONCURRENT RESOLUTION NO. 9

*Whereas*, the Constitution provides that from the last Wednesday in December in the even-numbered years until the first Wednesday in January in the odd-numbered years there is no General Court in existence, which period covered the dates from December 30, 1970 through January 5, 1971; and

*Whereas*, during said week in order for necessary preparations to be made for the convening of the 1971 General Court, it was necessary that certain legislative employees and attaches work during that period; and

*Whereas*, because of the non-existence of any General Court in that period no person had the authority to pay such personnel it is necessary in order to make payment that the 1971 General Court authorize such payments.

*Now Therefore be it Resolved* by the House, the Senate concurring;

That the responsible officers of the General Court be hereby authorized and directed to pay employees and attaches of the General Court who worked during the period from December 30, 1970 through January 5, 1971 inclusive the amounts they are entitled to for such employment, the total amount of said payments not to exceed \$2500.00, and that said payments be charged against the appropriate line items of the legislative appropriation.

The Clerk read the resolution in full. Adopted.

#### AMENDMENT TO HOUSE RULES

Rep. Bowles moved that the Rules of the House be amended by:

Adding to end of Rule No. 9:

No registered lobbyist, department head or other non-member who is closely connected with legislation pending before the House shall be permitted on the floor of the House at any time; nor, while the House is in session, shall any such person be permitted to be in the House Sergeant-at-Arms area.

So that Rule 9 shall read as follows:

9. No person but the members and officers of the House, The Governor, members of the Council and members of the Senate, the Secretary of State, Treasurer, and Clerks of the Senate shall be admitted within the door of the Representatives' chamber while the House is in session except on invitation of a member who shall obtain guest cards from the Speaker, the Clerk, or the Assistant Clerk, except in public hearings, parties, their counsel and witnesses under the direction of the Speaker. *No registered lobbyist, department head or other non-member who is closely connected with legislation pending before the House shall be permitted on the floor of the House at any time; nor, while the House is in session, shall any such person be permitted to be in the House Sergeant-at-Arms area.*

The Clerk read the amendment in full.

Rep. Bowles explained his amendment.

(discussion)

Rep. Raiche moved that the Rules of the House be amended by:

Striking out the word "registered" from House Rule 9.

Rep. Bowles spoke in favor of the amendment.

(discussion)

Rep. Reddy spoke in favor of the amendment. Adopted.

Rep. Mallat moved that the Rules of the House be amended by:

Striking out the words "department head" from House Rule 9.

Reps. George Roberts and Bowles spoke against the amendment.

Rep. Mallat spoke in favor of his amendment. Amendment lost.

Question being on the adoption of proposed addition to House Rule 9 as amended by Rep. Raiche. Adopted.

The Speaker addressed the House:

INAUGURAL ADDRESS OF HOUSE SPEAKER  
MARSHALL W. COBLEIGH  
"THE NEW LOOK"

A fiscal crisis.

Many unmet needs.

A bill passed.

Many problems unsolved.

A goal not achieved.

Many hopes not attained.

An injustice unrectified.

Many people concerned.

These are the seeds of our problem.

Yet I might have faced these problems differently if this talk had been given last week.

I had written a concession speech for the first time in my life.

My family had rallied around because their son and brother was in trouble for standing up for what he believed in. My friends had also rallied around me and even with a secret ballot, the members who might or might not agree with me on issues had decided that my leadership qualities were needed by this House. Even so, many friends said after I won, "maybe he has finally learned a lesson to moderate his strong convictions."

Many advised me, "You're going at it all wrong" to win an election. "A candidate should always talk in generalities: he should sound like he is saying something but actually say nothing at all. A strong position on an issue will only turn some voters off."

I had always rejected this theory, but I was wavering. Nevertheless, despite all this friendly advice, my concession speech would have ended with the words, "did it my way." Strong as these words were, the conviction behind them was shaky due to the personal abuse which I had been subjected to during the campaign from sources outside the House.

But within one week after my election, for which I remain truly grateful, a major new event has occurred which changes everything.

Our deficit is ten million worse than I knew. As your Speaker during the last session I must accept the blame for this mistake.

Sure, I can rationalize by saying that we were so busy selling a program in the busy fifteen day special session that I didn't have time to adequately review the figures, submitted by the Executive Branch.

When a situation arises whereby there is a ten million dollar deficit or error, it shows the lack of our ability to sufficiently audit the offices of the Comptroller and the State Treasurer. Such a situation should and must no longer be tolerated.

Sure, I can make other excuses, but I knew in my heart that while I talked of full time professional research staff for the Legislature, I did not have the guts last year to propose to you the hiring of a trained political scientist for my staff because the best qualified person was a woman who was making

\$12,000 a year where she was. I also knew I didn't have the guts this year to hire the best candidate for my staff assistant, because she, another talented woman, was receiving a current salary of \$10,000 a year and I didn't think you'd buy it.

I knew you'd rejected a reform of the Executive Branch for professional assistance, and I didn't dare to try for the same kind of professional help for the Legislative leadership.

When a lack of foresight and courage to equip ourselves with the tools to do the job causes clerical errors that is one thing, but when it causes a ten million dollar deficit then something must be done. I cannot, in good conscience, be quiet any longer. I feel it is time for us to take a new look at ourselves and our structure.

The late President John F. Kennedy once pointed out: "When written in Chinese, the word 'Crisis' is composed of two characters, one represents danger and one represent opportunity." We must now look to the character of opportunity. The opportunity to join together and take a new look at how our government and our Constitution help or hinder us in solving the problems now facing the State.

The time is Now!

Time for us as Representatives of the people of New Hampshire, to mount a disciplined attack upon our common problems, to band together in a united effort which will result in positive action.

It is time for us to take a new look at the staff competence and training of both the Legislative and Executive Branch.

It is time for us to take a new look at how we can modernize State and local governments to solve the problems facing their people.

It is time for us to take a new look at the problems of our people that we have too long ignored.

It it time for us to take a new look at our tax structure.

As my Blue Ribbon Committee has said so eloquently, "... the first basic obligation of the Legislature is to consider how the Legislature may best serve the people of the State of New Hampshire and then proceed to operate so that it may effectively fulfill this obligation . . . that New Hampshire gov-

ernment should move forward from its present position of a government acting on crises to a position of leadership based on adequate pre-planning developed from sound forecasting of future requirements."

A very wise man once said, "Progress begins with getting a clear look at the obstacles."

With those words of wisdom in mind, I ask all of you to consider the needs of our New Hampshire.

We must bring a business-like, problem-solving attitude to state government. At the present time our state does not know and has never set forth exactly what its goals, priorities and needs are. For too long we have passed and killed bills on a hit or miss, happy-go-lucky basis. We must start to plan, we must look ahead, we must set priorities and we must allocate resources. For too long the end product of our system is a failure to perform, a failure to set forth priorities and to allocate the resources to do the job. I have today sent a letter to each of our 76 State Departments requesting them to list their goals and programs for their Department and their priorities and have asked them to furnish this information to the Legislature by March first. It will be my intention, through an expanded performance audit program, for the Legislature to see how well they are working towards reaching these goals and fulfilling these priorities.

It is later than you think for our state government. It is not enough to be against pollution, against drug abuse or concerned about our campuses. We must be organized to get at the basic roots of these and other problems and come forth with constructive solutions.

In time of war, when the enemy threatens our shores the people of America put aside their differences and get the job done. Our enemy is the incompetence of our government to meet the needs of our people and make no mistake, meeting needs costs money.

It is not enough to scold our young people and condemn our University. We must take a new look at how relevant our government is and how it is organized to solve problems.

Modernizing state government is not a partisan issue. Good government is everybody's business and we must work together to support needed changes. There are those who will say that

the program I am about to outline is too radical a departure for you to adopt, but I would point out that whether you accept this program or not, that the Legislature and the Legislature alone, is the only one who can solve these problems and that the Legislature is where solutions are supposed to happen.

If we do not accept this challenge then we must share the responsibility of the failure of state government to perform.

It has been said that the Legislature is the funnel or the bottleneck through which the future must flow.

If every dollar spent on patchwork repairs were spent on rebuilding the foundation how much better off we would be. I think we can meet this challenge. To help us to do so, I would propose the following changes.

That we re-submit Annual Sessions to the voters next March as the only question on the ballot at that election and that in November of 1972, we submit to the voters a reduction in the size of our House to 250 members and an increase in the size of our Senate to forty, including a Legislative Compensation Commission.

I believe in a citizen Legislature.

I believe in a large Legislature.

But I do not believe that 400 is a magic number.

I would propose that we abolish the Legislative Council or Study Committee and place all committees of the House on a permanent, continuing basis.

I would propose that we furnish the Constitutional Revision Committee with staff that will enable them to prepare a redraft of our Constitution for presentation to the next Constitutional Convention.

I propose the re-introduction of the early organization of the Legislature, the Constitutional amendment which failed by only one vote in the 1969 Session.

I propose that we make the right-to-know law apply to all actions of this Legislature and its Committees.

I support absentee voting in our primaries, where so many final decisions are really made and I propose that before each

election we mail to every registered voter a sample ballot and an explanation of the Constitutional changes.

I propose the establishment of a pilot program to establish a regional government center in Cheshire County. This project would allow the various departments of the state, county and federal government to be located under one roof resulting in a saving to the taxpayer and a great convenience to the public who utilize their facilities.

I support the creation of a revenue department to replace our outdated Tax Commission whose training and responsibility has been primarily to collect taxes from municipalities rather than to be a real revenue arm of state government.

I propose a study committee to redraw our antiquated county lines to reflect today's population trends rather than have one of our counties have a population of 18,548 and another have a population of 223,941 — in an attempt to truly utilize the regional government concept to solve problems such as law enforcement and sewage disposal.

I believe we can no longer afford the petty bickering among the various law enforcement agencies in our state and we must have re-organization under the Attorney General's Office.

I believe we must re-structure our foundation aid formula to help our hard pressed communities meet quality education standards and then set the actual payment at a level where we can carry out this commitment with a portion of our resources.

We must integrate our various toll road systems and start immediately to undertake the East-West toll road from Manchester to Portsmouth which has been proven feasible by the study authorized by this Legislature last Session.

We must re-institute the Concord Area Planning Commission so the State can settle now whether our government center is going to be on one side of the River or the other.

We should study a centralized printing system for state government.

We must take a new look at the needs of our people that are not being met.

It is obvious we must improve our parole and pardon system.

It is obvious we need full-time psychiatrists at the prison and the industrial school as well as our county jails.

It is obvious we need an intergrated prison system if we are to rehabilitate rather than simply incarcerate.

I propose a well funded, in-depth study of hospital costs in the State of New Hampshire which have skyrocketed tremendously. At the same time we cannot fail to also study how well we are caring for our elderly and our ill in nursing homes.

We need a redrafting of our laws dealing with credit information so that our citizens can be protected from false reports.

We need an examination into the practice of landlord and utility deposits, which are penalizing our young people at the expense of big business and monopolies.

We must greatly increase our funding for Community Mental Health Centers.

We must increase our funding for heart rehabilitation.

We must greatly increase our funding for the deaf, handicapped, retarded and emotionally disturbed children, and

We must bring the fringe benefit package of our state employees into the twentieth century.

To achieve even a portion of this far-reaching program we must provide ourselves with the tools. I shall propose a supplemental legislative budget in the amount of \$50,000. While this may seem like a lot of money and it is, it is insignificant compared to the ten million dollar error we caused last Session because we failed to do our job properly. This appropriation will include research staff for committees as needed during the session and on an interim basis. It will include a management consultant to serve as an assistant to the Legislative Budget Assistant. It will include increased staff for performance auditing. It will include a limited secretarial pool for the use of our membership and it will include a program whereby ten graduate students from Harvard Business School will, utilizing zero budgeting techniques, look into the effectiveness of ten of our state or regional offices. Their studies will include a comparison of what the agency was set up to do and what it actually does; what are its goals and are modern business techniques utilized by the

agency; should the agency continue to exist at all and how do the accomplishments in these agencies in our state compare with our sister States of Maine and Vermont.

Management studies of individual state departments are necessary and beneficial as shown by the excellent results of such a study in the Governor's Office.

We should contract immediately for a significant study of one department of our state government to be completed in time for analysis by our fiscal committees and to be considered as a model for future management evaluation.

All of this, of course, will take additional funding, a greater allocation of our resources. I believe the people of New Hampshire are willing to increase their commitment to state government if we increase its commitment to excellence of performance.

I shall, of course, continue my support of a broad-base tax as the best way to meet our tremendous fiscal dilemma.

I have arranged to have the proponents of the various approaches to broad-base taxation get together and see if we can't combine the best ideas from all of the plans.

I am setting up a series of meetings with economists, political scientists, labor leaders, businessmen and ordinary citizens to try and reach agreement on the fairest form of taxation based upon ability to pay; a method that would not hurt those who exist on limited incomes. I have no pride of authorship in this study.

I will remind those of you who support broad-base taxation that we can no longer afford the luxury of choosing which broad-base tax we wish to support. I would ask any of you who have strong feelings in this area to communicate them to Ways and Means Chairman Samuel Reddy, who is coordinating these studies.

We must raise substantial revenue in this session. Let us work together to do it in the fairest manner.

Because many of these problems cannot be solved in six months and because over 66% of our voters have on two occasions supported annual Legislative Sessions and because the remarkable productivity of a well organized Special Session has

been demonstrated, I would plan to seek a Special Session next April to finish our work on these programs.

These are my goals.

These are my aspirations.

I recognize that probably no person in this hall supports all of these programs. I would hope that everybody in the hall could support at least some of them.

I would ask each of you not to instantly react against any of these ideas because "we always have been against them", or because conservatives or liberals or this lobby or that lobby has always opposed them.

Abraham Lincoln once told the Congress of the United States, (and I quote) "The dogmas of the past are inadequate for the stormy present. We must think anew, we must act anew..."

As your Speaker, today I stand before you — the New Hampshire House of Representatives — and I say that our state needs a new look . . . a positive approach more in the direction of our time and our economy.

I ask you to take a new look at each of the problems facing our state. I ask you to take a new look at how state government can be more effective in solving problems.

Somebody once said, "We must accept responsibility for what we leave here."

So then let us take this responsibility . . . acting together as a Legislative body seeking to make New Hampshire not only a nice place to visit, but a better place to live . . . and I ask you all to join with me, as a House united in our common effort.

I thank you.

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Rep. Raiche moved that the Speaker's address be printed in the Journal. Adopted.

(Deputy Speaker in the Chair)

## AMENDMENTS TO HOUSE RULES

Rep. Scamman moved that the Rules of the House be amended by:

Striking out "duty of Committee on Legislative Revision;" and striking out Rule 32-a.

Rep. Scamman explained his amendment. Adopted.

Rep. George Roberts moved that the Rules of the House be amended by:

Deleting the section in Rule 32 that defines the duties of the Committee on Public Health, Welfare and State Institutions, and add the following two new definitions:

It shall be the duty of the Committee on Public Health and Welfare to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions; the administration of welfare activities by the state government; and such other matters as may be referred to it.

It shall be the duty of the Committee on State Institutions to consider all matters concerning the administration of the N. H. Hospital, N. H. State Prison, N. H. Industrial School, N. H. Home for the Elderly, and Laconia State School and Training Center; the operation of the State House; State House Annex, Soldiers' Home and State Library; the care of state memorials and monuments; and such other matters as may be referred to it.

So that Section shall read as follows:

It shall be the duty of the Committee on Public Health and Welfare to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions; the administration of welfare activities by the state government; and such other matters as may be referred to it.

It shall be the duty of the Committee on State Institutions to consider all matters concerning the administration of the N. H. Hospital, N. H. State Prison, N. H. Industrial School, N. H. Home for the Elderly, and Laconia State School and Training Center; the operation of the State House, State House Annex, Soldiers' Home and State Library; the care of state memorials and monuments; and such other matters as may be referred to it. Adopted.

Rep. Roberts explained his amendment.

Rep. Cleon Heald spoke in favor of amendments. Adopted.

Rep. Raiche introduced the following resolution.

## HOUSE CONCURRENT RESOLUTION NO. 11

extending the time for the report of the Manchester ward commission.

*Whereas*, by laws of 1969 chapter 542 an interim commission was established to study and make recommendations relative to the ward lines in the city of Manchester and were to report its findings and recommendations to this session of the general court during the first week thereof, and,

*Whereas*, because of the unavailability of census figures and statistics it is impossible for said commission to comply with the requirement of such a date for reporting,

*Now Therefore be it Resolved* by the House, the Senate concurring;

That the date by which such findings and recommendations may be made by the commission and will be accepted by this general court is hereby extended to April 1, 1971.

The Clerk read the resolution in full.

Rep. Raiche explained his resolution.

(discussion)

Adopted.

## AMENDMENT TO HOUSE RULES

Rep. Bowles moved that the Rules of the House be amended by: adding to the section in Rule 32 that defines the duty of the Committee on Resources, Recreation and Development the following:

Add after the word "to" the following: Waters and natural resources of the state,

So that that section 32 shall read as follows:

It shall be the duty of the Committee on Resources, Recreation and Development to consider all matters relating to the *waters and natural resources of the state*, public parks, recreational areas, the recreational industries, and such other matters as may be referred to it.

The Clerk read the amendment in full.

Rep. Bowles explained his amendment.

Reps. Urie and Claflin spoke in favor of the amendment.

(discussion)

Rep. Bowles yielded to Rep. Claflin for further explanation. Adopted.

Rep. Bowles moved that the Rules of the House be amended by:

Adding to the section in Rule 32 that defines the duty of the Committee on Agriculture, the following:

Add after the word "on" the words "Environmental Quality and". Add after the word "organizations," the following,

the protection and preservation of the state's environment from pollution, despoliation or destruction, excepting those matters specifically made part of the duties of the Committee on Resources, Recreation and Development under this Rule 32,

So that Section shall read as follows:

It shall be the duty of the Committee on Environmental Quality and Agriculture to take into consideration all matters concerning the agricultural and farm problems of the State, the various agricultural organizations, the *protection and preservation of the state's environment from pollution, despoliation or destruction, excepting those matters specifically made part of the duties of the Committee on Resources, Recreation and Development under this Rule 32*, and such other matters as may be referred to it.

The Clerk read the amendment in full.

Rep. Bowles explained his amendment.

(discussion)

Adopted.

Rep. Bowles moved that the Rules of the House be amended by:

Adding to the end of Rule 55: The Speaker may appoint a Chief Security Officer who shall be a person trained and experienced in security matters or law enforcement work. His duties shall be, under the supervision and direction of the Speaker, to prevent the deliberations of the House from being disrupted

or interfered with by any person or persons not members thereof.

So that Rule 55 shall read as follows:

55. No officer or employee of the House during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the House or issue any requisition or manifest without first securing the approval in writing of the Appropriations Committee or such member or subcommittee of the same as said committee may designate for the purpose. *The Speaker may appoint a Chief Security Officer who shall be a person trained and experienced in security matters or law enforcement work. His duties shall be, under the supervision and direction of the Speaker, to prevent the deliberations of the House from being disrupted or interfered with by any person or persons not members thereof.*

The Clerk read the amendment in full.

Rep. Bowles explained his amendment.

(discussion)

Amendment lost.

Rep. George Roberts requested a division.

138 members having voted in the affirmative and 128 in the negative, the amendment was adopted.

Rep. Lagroe moved that the Rules of the House be amended by:

Adding a third paragraph to House Rule 61 as follows:

Nothing in this Rule shall indicate that the Security Guard appointed by the House under this Rule has the right to stop and search a member of the House on the premises of the House, except under authority of a search warrant issued by a court.

The Clerk read the amendment in full.

Rep. Lagroe explained his amendment.

Rep. Bowles spoke against the amendment.

Rep. Lagroe withdrew his amendment.

Rep. Greenwood offered the following resolution:

Be it resolved that the rules be amended by inserting at the end thereof the following new rule:

### POWER OF SUBPOENA

The standing committee on claims, military and veterans affairs shall, while the General Court is in session, have the power to require by subpoena the attendance of such witnesses and the production of such correspondence, books, papers and documents, to administer such oaths and take such testimony as the committee deems advisable for the purpose of effectuating investigation of claims and the other duties of the committee. The chairman or vice chairman of said committee, when authorized by a majority of its members, shall administer any such oaths and cause subpoenas to be issued and delivered to a sheriff for service as in the case of any other civil process.

The Clerk read the resolution in full.

Rep. Greenwood explained his resolution.

Rep. George Roberts spoke in favor of the resolution.

(discussion)

Rep. Greenwood withdrew his resolution.

Rep. Scamman moved that the Rules of the House be amended by:

Amend first sentence by striking out "another member" and inserting in place thereof "five other members" so that said Rule will read as follows:

17. When the yeas and nays have been moved by a member and duly seconded by five other members, each member present shall declare his assent or dissent to the question, unless for special reason he be excused by the House. A member who is to be absent when a question is put may pair his vote with another member to be present or also to be absent, who intends to vote on the opposite side of the question. Pairs shall be permitted only if the yeas and nays are taken on such question. Both members shall file such pair in writing with the Clerk before the question is put. In all cases of pairing, the vote of neither member shall be counted in determining the result of the roll-call;

but the Clerk shall announce all pairs and shall enter them on the Journal.

The Clerk read the amendment in full.

Rep. Scamman explained his amendment.

Rep. Bednar spoke against the amendment.

Rep. Malcolm Stevenson spoke in favor of the amendment.

Adopted.

Rep. Wilfrid Boisvert offered an amendment to House Rule 59.

The Clerk read the amendment in full.

Rep. Boisvert withdrew his amendment.

Rep. Gordon offered the following resolution:

HOUSE CONCURRENT RESOLUTION NO. 10  
memorializing the Congress of the United States

*Whereas*, the Governor of New Hampshire has stated that for the coming biennium that our revenue may fall short as much as sixty million dollars; and

*Whereas*, the towns and cities of this state have been forced to tax their citizens at an intolerable rate; and

*Whereas*, unemployment in New Hampshire has doubled in the past year and many long established businesses have closed their doors; and

*Whereas*, the United States Government through a multitude of taxes has effectively pre-empted further rational and equitable taxation by this state; and

*Whereas*, old and new federalism contemplates mutual assistance between the respective states and the federal government;

*Now Therefore be it Resolved* by the House of Representatives, the Senate concurring;

That the General Court of the State of New Hampshire requests the Congress of the United States to enact suitable enabling legislations for the immediate distribution without restriction of all federal grant funds which have been appropriated hereto for distribution to the states;

That signed copies of this resolution be certified by the secretary of State and sent to the President of the United States, the President of the United States Senate and Speaker of the United States House of Representatives.

The Clerk read the resolution in full.

The Chair referred HCR 10 to Constitutional Revision Committee.

Rep. Gordon moved that the Rules of the House be so far suspended as to dispense with referral to committee and that it be acted upon at the present time, and spoke in favor of the motion.

Rep. George Roberts spoke against the motion.

Question being on the suspension of Rules on HCR 10. Motion lost.

## RESOLUTION

The Franklin delegation offered the following resolutions:

## RESOLUTIONS

*Whereas*, we have learned with regret of the death of Wiggins S. Gilman, Representative from Franklin, and

*Whereas*, Mr. Gilman served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his family.

\* \* \*

Unanimously adopted by a minute of silent prayer.

The Chair appointed the Franklin Delegation to attend the funeral.

The Chair stated that after today's session any changes in the Rules will require a 2/3 vote.

Rep. Radway's name should be added as a sponsor to HB 73, enabling the state of New Hampshire to participate in the Federal Food Stamp Program and making an appropriation therefor.

On motion of Rep. Barbara Thompson, the House adjourned at 1:11 P.M. to meet tomorrow at 11:00 o'clock.

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### *Wednesday, 20Jan71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Our FATHER and Our GOD, we give thanks for this day, for its opportunities of service, and for the privilege of sharing it with others. Grant us the courage to do what we know is right and just. Help us to be responsive to the needs placed before us in this session, and grant us wisdom in each confrontation. Make us strong to do the tasks you have placed within our care, and keep us faithful to the example you have given us in Jesus Christ our Lord. Amen.

Rep. Bernard led the Pledge of Allegiance.

#### LEAVES GRANTED

Rep. Monier, the day, illness.

Rep. Dubey, the week, illness.

Rep. Mallat, the day, funeral.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 108 through 120 and House Joint Resolution number 11 and Concurrent Resolutions Proposing Constitutional Amendment number 7 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and reference

HB 108, authorizing the fish and game director to make rules and regulations relating to possession and transportation of marine species of fish and to penalties for violations thereof. (Bowles of Rockingham Dist. 27 — To Fish and Game.)

HB 109, relative to the power of conservation officers to board boats in connection with administration of marine laws. (Bowles of Rockingham Dist. 27 — To Environmental Quality and Agriculture.)

HB 110, providing for secret balloting upon questions at certain town meetings when requested by three voters. (Richardson of Coos Dist. 11 — To Municipal and County Government.)

HB 111, prohibiting taking of lobsters during the spawning season. (Fiske of Rockingham Dist. 19 — To Fish and Game.)

HB 112, to provide for the perambulation of the New Hampshire and Massachusetts boundary line and an appropriation therefor and an appropriation to conduct the perambulation of the New Hampshire and Maine boundary. (Cummings of Rockingham Dist. 11 — To Public Works.)

HB 113, increasing the allowable limit for a veterans funeral to one thousand dollars before being disqualified for the one hundred dollar payment from the state. (Twardus of Rockingham Dist. 14 — To Claims, Military and Veterans Affairs.)

HB 114, relative to the power of Franconia College to grant degrees. (Higgins of Grafton Dist. 2 — To Education.)

HB 115, relative to the control of junkyards on the interstate, federal-aid primary, and turnpike highway systems. (Hackler of Cheshire Dist. 11 — To Public Works.)

HB 116, increasing the salary of the Strafford county attorney and empowering the Strafford county convention to set the salaries of certain county officers. (Clark of Strafford Dist. 4 — To Special Committee, Strafford County Delegation.)

HB 117, relative to health instruction and services in public schools. (Gelt of Rockingham Dist. 7 — To Public Health and Welfare.)

HB 118, changing the classification of Little Lake Sunapee. (Andrews of Merrimack Dist 1; Fleming of Sullivan Dist. 8 — To Resources, Recreation and Development.)

HB 119, relative to making improvements to the central New Hampshire turnpike and making an appropriation therefor. (Davis of Merrimack Dist. 21 — To Public Works.)

HB 120, increasing the fees for resident and nonresident fishing and hunting licenses. (Stimmell of Rockingham Dist. 1 — To Fish and Game.)

HJR 11, to make an additional appropriation for the fiscal year ending June 30, 1971 for counsel fees for indigent defendants. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

CACR 7, Relating To: The Power of the State to Tax. Providing That: The Legislature be allowed to Impose Taxes that are Graduated, except for Income Taxes. (Rep. Scamman of Rockingham Dist. 15 — To Constitutional Revision.)

## ENROLLED BILLS REPORT

HB 70, abolishing the police commission in the town of Wolfeboro.

Roxie A. Forbes  
For The Committee.

Accepted.

## SENATE MESSAGE

Senate concurrence on HB 70, abolishing the police commission in the town of Wolfeboro.

The Senate has passed the following concurrent resolution, in the passage of which it asks the concurrence of the House of Representatives:

SENATE CONCURRENT RESOLUTION NO. 3  
memorializing the President of the United States.

*Whereas*, The economy of the state of New Hampshire is substantially affected by the economic health of its shoe industries; and

*Whereas*, The percentage of foreign made shoes imported into the United States continues to increase rapidly; and

*Whereas*, The shoe industries in the state of New Hampshire have been adversely affected from the flood of foreign imports; and

*Whereas*, Unemployment has increased alarmingly in the state of New Hampshire in shoe industries because of the lack of quotas or tariffs on foreign imports;

*Now Therefore be it Resolved* by the Senate, the House concurring;

That we, the members of the New Hampshire Senate, and House of Representatives, do memorialize the President of the United States to establish such quotas and approve such tariffs as may be necessary to insure the preservation and economic health of our domestic shoe industries;

That signed copies of this resolution be certified by the secretary of state and sent to the President of the United States, the President of the United States Senate and Speaker of the United States House of Representatives.

Adopted.

## COMMITTEE REPORTS

**HB 22**

relative to shooting animals hunted by dogs. Ought to pass with amendment. Rep. Hayes for Fish and Game.

This Bill protects the dog owners from having their game shot by others than their own hunting party.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Treed Animals. Amend RSA 207 by inserting after section 13-a the following new section: 207:13-b Treed Animals. It shall be unlawful for any person to shoot a game or furbearing animal which has been treed or cornered by a dog, unless the owner of said dog, or a member of his hunting party, is present when the animal is shot. Persons violating the provisions of this section shall be fined not more than fifty dollars or imprisoned not more than thirty days or both.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### HB 45

to reclassify certain sections of highway in the town of Newmarket. Ought to pass. Rep. Coburn for Public Works.

Routine reclassifications of short stretches of highway in Newmarket as Class II and Class V highways per recommendation of Department of Public Works and Highways.

Ordered to third reading.

### HJR 5

to pay town of Dummer for revenue lost due to the taking of Pontook Dam. Ought to pass with amendment. Rep. Fortier for Public Works.

Resolution to reimburse the town of Dummer for the \$4000 yearly loss of tax revenue occasioned by the transfer of the Pontook Dam and 900 acres to the state by Public Service in 1967 per the general agreement reached by the Governor's Committee on this subject, which report was approved by the Governor and Council. The amendment places the payments so that they fall within the town's fiscal year.

## AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of four thousand dollars is appropriated for the fiscal year ending June 30, 1971 and a like sum for the fiscal year ending June 30, 1972 to be paid on or before September 1, 1971 and September 1, 1972 respectively to the town of Dummer in lieu of taxes on Pontook Dam. The governor is authorized to draw his warrant for the sums appropriated from any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations Committee.

**HB 8**

making correction in the laws relative to retail businesses. Ought to pass. Rep. MacDonald for Statutory Revision.

Ordered to third reading.

## ANNOUNCEMENT

The Chair reminded the House that January 26th is the dead-line for filing in the office of Legislative Services requests for drafting of any bill involving money.

## AMENDMENT TO HOUSE RULES

Rep. Lagroe moved that the Rules of the House be suspended to amend Rule 61 as follows:

Nothing in this Rule shall indicate that the Security Guard appointed by the House under this Rule has the right to stop and search a member of the House on the premises of the House.

The Clerk read the amendment in full.

Rep. Lagroe explained his amendment.

Rep. James O'Neil spoke in favor of the amendment.

Adopted by the necessary two-thirds vote.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

## LATE SESSION

Third reading and passage by House

HB 22, relative to shooting animals hunted by dogs.

HB 45, to reclassify certain sections of highway in the town of Newmarket.

HB 8, making correction in the laws relative to retail businesses.

On motion of Rep. Fortier the House adjourned at 11:23 A. M.

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*Thursday, 21 Jan 71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

GRACIOUS GOD, you have brought us to this new day, and now we would seek your help to make it a good day. Enable us to walk above life's disappointments, those moments of discouragement and defeat. Keep us from all pride that is quick to take offense and all rudeness that offends others. Help us to desire justice for others no less than for ourselves. Give us grace to understand and respect the opinions of others, and to be humble about our own. Help us to be tolerant of those who disagree with us, but courageously loyal to our own convictions and sensitive to the needs of our constituents. Empower us to seek Thy Will and to do Thy Work. Amen.

Rep. Boire led the Pledge of Allegiance.

## LEAVES GRANTED

Rep. Radway, the day, illness.

Rep. Doris Thompson, the day, important business.

Rep. Jameson, the day, death in family.

Rep. Carignan, the day, important business.

### COMMITTEE CHANGES

Boire, Henry — *Off* Executive Departments and Administration; *On* Public Health and Welfare

Cote, Margaret — *On* Legislative Administration

Dunningham, Wilfred R. — *Off* Claims

Dumais, Roland W. — *Off* Public Works

Maloomian, Helen — *Off* Legislative Administration

Mason, Samuel F. — *Off* State Institutions

Palfrey, William — *Off* Statutory Revision; *On* Executive Departments and Administration

Richardson, Harriet, W. B. — *On* Public Health and Welfare

Wilkinson, Nana M. — *Off* Environmental Quality and Agriculture; *On* Resources, Recreation and Development

### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 121 through 134 and House Joint Resolution number 12 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & reference

HB 121, relative to highway markings. (Spollett of Rockingham Dist. 10 — To Public Works.)

HB 122, to allow nonresidents to serve legal process on the secretary of state as agent for foreign corporations. (Bradley of Grafton Dist. 9 — To Judiciary.)

HB 123, increasing the office fees payable to the secretary of state. (Andrews of Merrimack Dist. 1 — To Statutory Revision.)

HB 124, relative to the salary of the Merrimack county attorney. (Andrews of Merrimack Dist. 1 — To Special Committee, Merrimack County Delegation.)

HB 125, providing for an exemption, except to corporations, of two thousand dollars from the business profits tax. (Brungot of Coos Dist. 8 — To Ways and Means.)

HB 126, extending the good samaritan law to certain rescue and ambulance squads. (Cate of Merrimack Dist. 20 — To Judiciary.)

HB 127, making appropriation for site acquisition and preliminary planning for a bridge over the Merrimack river in the town of Merrimack. (Belcourt of Hillsborough Dist. 16 — To Public Works.)

HB 128, reducing the fee for recounts relative to election to certain lesser offices. (Brungot of Coos Dist. 8 — To Statutory Revision.)

HB 129, prohibiting minors from soliciting food. (Richardson of Coos Dist. 11 — To Statutory Revision.)

HB 130, increasing the salary of the Strafford county sheriff. (Parnagian of Strafford Dist. 19; Chasse of Strafford Dist. 8 — To Special Committee, Strafford County Delegation.)

HB 131, relative to operation of liquor stores on holidays. (Enright of Merrimack Dist. 7; Vachon of Hillsborough Dist. 40; Twardus of Rockingham Dist. 14 — To Liquor Laws.)

HB 132, providing for unemployment compensation dependency payments. (Raiche of Hillsborough Dist. 34 — To Labor, Human Resources and Rehabilitation.)

HB 133, providing for workmen's compensation dependency payments. (Raiche of Hillsborough Dist. 34 — To Labor, Human Resources and Rehabilitation.)

HB 134, providing for state payment of tuition for pupils residing on state owned property and making appropriation therefor. (Clark of Strafford Dist. 4 — To Education.)

HJR 12, making a supplemental appropriation for the racing commission. (Saggiotes of Sullivan Dist. 6 — To Appropriations.)

## COMMITTEE REPORTS

### HB 57

prohibiting the use of a crossbow in taking fish, wild birds and wild animals. Ought to pass. Rep. Huggins for Fish and Game.

Ordered to third reading.

### HB 44

to reclassify a certain section of highway in the town of Benton. Ought to pass. Rep. McGee for Public Works.

Routine reclassification of a Class II highway to a Class V highway per recommendation of the selectmen of Benton and the Department of Public Works and Highways.

Ordered to third reading.

### HB 46

to reclassify a class V highway in the town of Sutton to a class II highway. Ought to pass. Rep. Hackler for Public Works.

Routine reclassification per agreement of Department of Public Works and Highways.

Ordered to third reading.

### HB 47

relative to traffic surveys and truck weight surveys was withdrawn by the committee.

### HB 10

exempting motor vehicles of migrant agricultural workers from reciprocal registration for a limited period. Inexpedient to legislate. Rep. Hamel for Transportation.

Resolution adopted.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and resolutions by caption only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

## LATE SESSION

Third reading and passage by House

HB 57, prohibiting the use of a crossbow in taking fish, wild birds or wild animals.

HB 44, to reclassify a certain section of highway in the town of Benton.

HB 46, to reclassify a class V highway in the town of Sutton to a class II highway.

On motion of Rep. Malcolm Stevenson the House adjourned at 11:21 A. M.

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*Tuesday, 26Jan71*

The House met at 11:00 o'clock.

Prayer was offered by guest Chaplain, Rev. William J. Clark, Sr. of Antrim.

Source of strength and wisdom, we ask the endowment of both these blessings for the deliberations of this day. Stir within us, through the inspiration of thy spirit, dedication to duty, insight for its adequate fulfilment, and an all pervasive sense of ministry that the ends of our labors may achieve the purpose for which we have been set aside by our constituents.

Through the proper choices of our actions, may all that is done here carry to the heights the fullness of our State's motto. Grant to our Governor knowledge to lead us in the fulfilment of every inaugural pledge both his and those of each legislator, that the needs of populace, our communities and our State may be met as they become evident in these days of changing customs and seeming desires.

Help us never to forget the sense of teamwork which we hold in common with the Federal branches of our nation and be ever mindful that only in the bonds of integrity is there true strength and proper achievement. Amen.

Rep. Webber led the Pledge of Allegiance.

## LEAVES GRANTED

Rep. Towle, the day, illness.

Rep. Casassa, today and tomorrow, illness.

Rep. Nalette, indefinite, illness.

Rep. Maglaras, the week, illness.

Rep. Carignan, the day, important business.

Reps. Raiche and Roger Duhaime, the week, important business.

## RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 135 and 136 and House Joint Resolutions numbered 13 through 15 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & reference

HB 135, to reduce the period of limitations for the recovery of real estate. (Bradley of Grafton Dist. 9 — To Judiciary.)

HB 136, to authorize use of fictitious names in certain proceedings in equity. (Bradley of Grafton Dist. 9 — To Judiciary.)

HJR 13, appropriating funds to the towns of Pittsburg and Clarksville in lieu of taxes on Murphy Dam on Lake Francis. (Huggins of Coos Dist. 1; Cook of Coos Dist. 1 — To Appropriations.)

HJR 14, in favor of Lawrence E. Tilton. (Scamman of Rockingham Dist. 15 — To Claims, Military and Veterans Affairs.)

HJR 15, making an additional appropriation to the state treasurer for fiscal 1971 for actuarial services. (Chandler of Rockingham Dist. 25; Bigelow of Merrimack Dist. 3 — To Appropriations.)

Rep. George Roberts moved that the committee of conference on the Joint Rules be discharged and a new committee appointed.

Adopted.

The Speaker appointed Reps. George Roberts, James O'Neil and Cares.

## COMMITTEE REPORTS

### HB 5

relative to powers and duties of New England Interstate Water Pollution Control Commission. Ought to pass. Rep. Van Gardner for Executive Departments and Administration.

Uniform legislation required by New England Interstate Water Pollution Control Commission to continue receiving federal funds.

Referred to Appropriations.

### HJR 1

providing additional funds for board of professional engineers. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Deficit appropriation request.

Referred to Appropriations.

### HB 38

changing the due date for the payment of unclaimed pari-mutuel pool ticket money to the state treasurer. Ought to pass. Rep. MacDonald for Statutory Revision.

Because race track meets have been running further into December the bookkeepers need a few more days to close out their records and turn over unclaimed monies to the state.

Ordered to third reading.

## COMMUNICATION

Marshall W. Cobleigh, Speaker

In accordance with the provisions of RSA 14:30-a for appointment of the Fiscal Committee, I have named Edna B.

Weeks, James Saggiotes, Agenor Belcourt, George Bruton and Arthur Drake, who is automatically a member.

Arthur M. Drake  
Chairman

REPORT TO THE LEGISLATURE BY THE  
COMMISSION TO RECOMMEND CHANGES IN  
THE COUNCILOR DISTRICTS

The official census figures for New Hampshire were not available until the first week of December 1970. The adjusted population figures which are used generally for reapportionment (article 9-a, New Hampshire Constitution) will not be available by our reporting date of January 15, 1971. Therefore, the Commission respectfully requests an extension of the reporting date until after these figures are available.

Respectfully submitted,

Rep. Shirley Clark, Chairman  
Sen. James Koromilas, V. Chairman  
Rep. Webster Bridges, Clerk  
Sen. Alf Jacobson  
Sen. Frederick Porter  
Sen. Laurier Lamontagne  
Rep. Gerard Belanger  
Rep. Lorenzo Gauthier  
Rep. Edward York  
Rep. Edward Hickey

Report accepted and request granted.

UNANIMOUS CONSENT

Rep. Cares requested consent to address the House, such consent being granted, Rep. Cares addressed the House.

Mr. Speaker, Ladies and Gentlemen:

I rise today to pay tribute to a member of this Legislature — Robert Raiche, who has received international recognition

as a leader of the Partners for Progress Program for the Americas. Bob has been selected as one of 20 group leaders at the Fifth Inter-American Conference between Latin America, South America and the United States.

Bob Raiche, who is the chairman of the New Hampshire Partners has been in Costa Rica, the site of the conference since January 24 and will return on the 31st. As one of twenty discussion leaders appointed by the national office of the Partners of the Americas, Bob has been recognized as one of the concerned, dedicated leaders who have made the Partners for Progress a truly people to people project for the development of Latin America.

The Partners for Progress Program is 6 years old and attempts to involve private citizens in the alliance for progress, which is a governmental effort to develop the hemisphere.

The Partners Program is a people to people project, independent of governmental control. The program includes 40 states and 18 Latin American countries. Each state has a partner's committee and works with its counterpart in the member country. The New Hampshire committee, under Bob's chairmanship, works with the state of Ceara Brazil. Each committee offers the partner state, the resources and expertise of its own state.

During the past fall, Bob was host to a group of partners from Ceara, who toured our state, paying particular attention to our programs of forestry, rehabilitation at Crotched Mountain, tourism, education and vocational training.

Peace will come to the world only when poverty, disease, hunger, and waste of human and natural resources have been eliminated. Governments have tried, but they have not succeeded — only people concerned about other people can find the answer — I am proud that Bob Raiche is one of these people and I am pleased that the state of New Hampshire is involved — and I feel that each of us should share in the honor and recognition which Bob Raiche has brought to this Legislature and to the state of New Hampshire.

Rep. Coutermarsh moved that the remarks of Rep. Cares be printed in the Journal.

Adopted.

The Cheshire County Delegation offered the following resolutions.

### RESOLUTIONS

*Whereas*, we have learned with regret of the death of Frank W. Walker, former Representative, and

*Whereas*, Mr. Walker served his community faithfully and with efficiency, therefore, be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family and be it further

*Resolved*, that a copy of these resolutions be mailed to his family.

Adopted.

The Speaker appointed the Cheshire County Delegation to attend Mr. Walker's funeral.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

### LATE SESSION

Third reading and passage by House

HB 38, changing the due date for the payment of unclaimed pari-mutuel pool ticket money to the state treasurer.

### PARLIAMENTARY INQUIRY

Rep. Bednar rose on a point of parliamentary inquiry as to whether or not the Right to Know law extended to executive sessions of committees.

The Speaker replied that upon receipt of the inquiry in writing and after research he would make a ruling.

On motion of Rep. Montplaisir the House adjourned at 11:24 A. M.

*Wednesday, 27Jan71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by guest Chaplain The Rev. David G. Hamilton, St. Paul's Episcopal Church of Concord.

Father, we thank you for the gifts of freedom and the mantle of responsibility which are ours. Draw our eyes to the high calling of our office. Attune our ears to the challenge of just government for all men. Pour into our hearts enlightened concern for others and make our minds attentive to the important tasks before us this day. Since we have but ourselves to offer in your service, grant that we may give ourselves entirely to the work of this new day, and that it may be counted an acceptable offering to the people of New Hampshire and above all to you. Amen.

Rep. Donalda Howard led the Pledge of Allegiance.

The Speaker announced that Nate Tirrell, father of Rep. Knight, former Representative, Senator and Senate Sergeant-at-Arms was a guest of the House today in honor of his 89th birthday.

#### LEAVES GRANTED

Rep. Monier, the day, illness.

Reps. Jameson and Towle, today and tomorrow, illness.

Rep. Campono, the week, illness.

Rep. Maloomian, the day, death in family.

Rep. Trowbridge, the day, funeral.

Rep. LaMott, the day, important business.

#### PETITION

January 27, 1971

Hon. Marshall Cobleigh  
Speaker of the House

Honorable Sir:

As you requested Tuesday, I am herewith requesting a ruling from the Chair relative to the applicability of the

RIGHT TO KNOW LAW as it pertains to Executive sessions of Committees of the General Court.

In 1967, the Right to Know Law specifically exempted Committees of the General Court. In 1969, the revised version omitted this exemption.

Page 110, section 110, of the Manual of the General Court (1969) states that "the decision of the committee regarding the contents of its report is always to be made in executive session" "Only members of the committee should be permitted in such executive sessions."

In your address to the legislature last week (page 6 of the prepared text, second to last paragraph) you made the following comment:

"I propose that we make the right-to-know law apply to all actions of this Legislature and its committees."

May I respectfully request a ruling from you if the present Right-to-Know applies to committees of the Legislature? Thank you.

Respectfully yours,

Rep. John M. Bednar, Hudson

## RESOLUTION

Rep. George Roberts offered the following resolution.

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 137 through 145 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & reference

HB 137, relative to absentee voting by members of armed services. (Vey of Rockingham Dist. 3 — To Statutory Revision.)

HB 138, expanding the substances controlled by the economic poisons law and broadening the powers of the commis-

sioner to control said substances. (Heald of Hillsborough Dist. 10 — To Public Health and Welfare.)

HB 139, relative to guidelines and provisions for assemblies of large numbers of people. (Cate of Merrimack Dist. 20; Merrill of Grafton Dist. 13 — To Judiciary.)

HB 140, relative to the use of emergency lights and sirens on motor vehicles. (Saunders of Cheshire Dist. 14 — To Transportation and Aeronautics.)

HB 141, provided that only ten thousand dollars of the assessed value of church parsonages shall be exempt from taxation. (Miner of Merrimack Dist. 23 — To Ways and Means.)

HB 142, establishing a minimum salary for public school teachers and making an appropriation therefor. (Coutermarsh of Hillsborough Dist. 22 — To Education.)

HB 143, providing that putting drugs in food or drinks is a crime. (Read of Rockingham Dist. 5 — To Judiciary.)

HB 144, exempting the first six thousand dollars of profit earned by an individual from the business profits tax. (Read of Rockingham Dist. 5 — To Ways and Means.)

HB 145, providing that at any state institution of higher learning there shall be dismissal of faculty members rioting or inciting to riot and loss of public funds by students inciting to riot or expulsion if involved in riots or take over of buildings. (Read of Rockingham Dist. 5 — To Education.)

## COMMITTEE REPORTS

### HB 65

relative to cooperative extension work at the university of New Hampshire. Ought to pass. Rep. Colburn for Environmental Quality and Agriculture.

Adds one area agent and increases the state contribution to cooperative extension work.

Referred to Appropriations.

### HB 66

increasing the limitation on the state's contribution for the improvement of forest fire trails from twenty-five to one hundred dollars. Ought to pass. Rep. Colburn for Environmental Quality and Agriculture.

Self explanatory.

Referred to Appropriations

**HB 37**

to clarify certain provisions of law relative to psychologists and relative to increase in fees. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Generally a housekeeping bill to clarify existing law.

Ordered to third reading.

**HB 17**

relative to the incompatibility of positions in state service. Inexpedient to legislate. Rep. Brummer for Judiciary.

Resolution adopted.

**HB 35**

prohibiting the distribution or posting of buttons, cards or any printed matter on behalf of a candidate for election within one half mile of a polling place. Inexpedient to legislate. Rep. Healy for Judiciary.

Resolution adopted.

**HB 19**

relative to optional time for payment of taxes and repealing provisions for discount for early payment of taxes. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

The opposition came from many towns throughout the state who felt that they were handling the tax payments and discount privileges in the manner that they wanted to and this bill would take away some of the home rule.

Resolution adopted.

**HB 9**

prohibiting the use of motor boats on Chocorua Lake. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Title self explanatory; no other form of use banned by this bill.

Ordered to third reading.

**HB 72**

providing for the acquisition of portraits of the governors of New Hampshire and the chief justices of the Supreme Court of New Hampshire. Inexpedient to legislate. Rep. Rich for State Institutions.

This bill, it was felt, was too indefinite in its provisions and cost to the state. Also, might establish an undesirable precedent.

Resolution adopted.

**HB 88**

to legalize the proceedings of the special meeting of the Pembroke School District held on July 28, 1970. Ought to pass. Rep. MacDonald for Statutory Revision.

A housekeeping bill for the school district of Pembroke.

Ordered to third reading.

**RESOLUTION**

Reps. Vachon, Collishaw, Cobleigh, and Raiche offered the following resolution.

*Whereas*, Chairman Costas S. (Chick) Tentas of the state liquor commission has entered upon his tenth year of service as a member of the liquor commission, and,

*Whereas*, over the span of said ten years his abilities and dedication have been recognized by three governors and irrespective of the political party to which they belong, and,

*Whereas*, in May 1970 Chairman Tentas was unanimously elected president of the National Alcoholic Beverage Control Association, which national honor reflects accolade on his abilities and brings to national prominence the state of New Hampshire, and,

*Whereas*, Chairman Tentas and his fellow commissioners, James P. Nadeau and John J. Ratoff, have by their untiring efforts and abilities continuously upgraded the operation of their department so that it is being run in a modern day business manner, providing excellent service, producing maximum revenue and still consistently retaining necessary and proper controls, and,

*Whereas*, the department is one of the major sources of income to the state, supplying some thirty-one per cent of the general fund revenues thereof and at the same time fostering and retaining excellent relationships with both the legislature and the executive department by being fully cooperative with both:

*Now Therefore be it Resolved* by the House of Representatives of the General Court of the state of New Hampshire that it extends to Chairman Costas S. (Chick) Tentas of the state liquor commission its congratulations and highest commendation for the manner in which he has carried out his duties as such and the honor he has invoked upon the state of New Hampshire by his election as president of the National Alcoholic Beverage Control Association, and

That this resolution signed by the proposers thereof be transmitted to Chairman Tentas by the Clerk of the House.

The clerk read the resolution in full.

Adopted.

On motion of Rep. George Roberts the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

#### LATE SESSION

Third reading and passage by House

HB 37, to clarify certain provisions of law relative to psychologists and relative to increase in fees.

HB 9, prohibiting the use of motor boats on Chocorua Lake.

HB 88, to legalize the proceedings of the special meeting of the Pembroke School District held on July 28, 1970.

#### COMMITTEE CORRECTION

Bernard, Mary E. — *On two committees*, Public Health and Welfare, and State Institutions.

## RECONSIDERATION

Rep. Healy, having voted with the majority, moved that the House reconsider its action whereby it killed HB 35, prohibiting the distribution or posting of buttons, cards or any printed matter on behalf of a candidate for election within one-half mile of a polling place, and spoke against the motion.

Motion lost.

The Speaker designated Wednesday, February 3 as a consent calendar day.

On motion of Rep. Dunham the House adjourned at 11:25 A. M.

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*Thursday, 28 Jan 71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD, whose creative hand we discern in the vastness of the oceans, the strength of the hills, and the unimaginable reaches of space: Grant that as we delve more deeply into the mysteries of your universe, that as we prepare for the launching of APOLLO 14 on January 31st, we pray for the total success of this most valuable and important mission. While we recognize our nation's efforts in "outer space", we now turn our efforts to the "inner space" of our "Granite State" and its political sub-divisions. May our work here demonstrate our response to the many vital issues confronting us, lest we lose sight of truth with its vision of hope. Amen.

Rep. Harriet Richardson led the Pledge of Allegiance.

## LEAVES GRANTED

Reps. Mason and Casassa, the day, illness.

Rep. McDonough, the day, death in family.

## QUALIFIED

Romeo R. Lesage, Nashua — Ward 3, Hillsborough County District No. 16, took and subscribed the oath of office for

Representative to the General Court before the Governor and Council on January 26, 1971.

### RESOLUTION

Rep. O'Neil offered the following resolution.

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 146 through 154 and House Joint Resolutions numbered 16 through 18 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 146, relative to service roads constructed by the state in conjunction with limited access facilities. (Spollett of Rockingham Dist. 10 — To Public Works.)

HB 147, relative to payments to family care homes for patients placed in their care. (McLane of Merrimack Dist. 23 — To Public Health and Welfare.)

HB 148, relative to the taking of property by eminent domain. (Bradley of Grafton Dist. 19 — To Judiciary.)

HB 149, to repeal the dollar limitation on recovery in wrongful death actions. (Bradley of Grafton Dist. 9 — To Judiciary.)

HB 150, to revise the mechanics lien law so as to grant loaning banks a first lien on real estate on which construction is proposed or in process. (Bradley of Grafton Dist. 9 — To Banks and Insurance.)

HB 151, to appropriate funds for the control of white pine blister and to place responsibility for the conduct of the program with the division of resources development. (Heald of Hillsborough Dist. 10; Kopperl of Merrimack Dist. 12 — To Environmental Quality and Agriculture.)

HB 152, relative to erecting traffic control devices on public ways and to highway hazards from fixed objects. (Cummings of Rockingham Dist. 11 — To Transportation and Aeronautics.)

HB 153, relative to horse and dog racing. (Saggiotes of Sullivan Dist. 6; Bourassa of Hillsborough Dist. 28; Bouchard of Hillsborough Dist. 14; Brungot of Coos Dist. 8; Hayes of Carroll Dist. 3; Bruton of Hillsborough Dist. 29; Drabinowicz of Hillsborough Dist. 17; Dame of Rockingham Dist. 26; Maynard of Rockingham Dist. 24 — To Ways and Means.)

HB 154, relative to off-sale permits. (Cote of Hillsborough Dist. 17; Reddy of Merrimack Dist. 5 — To Liquor Laws.)

HJR 16, transferring certain accumulated income to the special teacher competence fund. (Nighswander of Belknap Dist. 4 — To Education.)

HJR 17, authorizing the purchase of the buildings on In-gall's Island in Rocky Pond in the town of Canterbury and making an appropriation therefor. (Cheney of Merrimack Dist. 23; Miner of Merrimack Dist. 23 — To Environmental Quality and Agriculture.)

HJR 18, relative to ascertaining the sense of the people of the state on the question of authorizing dog racing in the state. (Cares of Hillsborough Dist. 24 — To Ways and Means.)

## COMMITTEE REPORTS

### HB 6

relative to the power of Hesser College to grant degrees. Ought to pass with amendment. Rep. Dunham for Education.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Hesser College. Amend section 1, chapter 508, Laws of 1967, as amended by 1969, 551.1 by striking out said section and inserting in place thereof the following: 508:1 Authority Granted. The Hesser College, formerly Hesser Business College, conducted by Hesser, Inc., an educational institution is hereby authorized to confer upon the graduates thereof the degree of associate in business science for the period from June 1, 1971 to June 30, 1973, subject to the continuing approval of the coordinating board of advanced education and accreditation.

Amendment adopted. Ordered to third reading.

**HB 43**

relative to the power of White Pines College to grant degrees. Ought to pass with amendment. Rep. Dunham for Education.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 White Pines College. Amend section 1, chapter 556, Laws of 1969, by striking out said section and inserting in place thereof the following: 556:1 Authority Granted. White Pines College, a voluntary corporation formed under the provisions of RSA 292 is hereby authorized and empowered to establish and maintain in the town of Chester an institute of learning, to prescribe the rules for the government of said college and the courses of studies therein and to confer upon the graduates thereof the degree of associate of arts for the period from July 1, 1971 to June 30, 1975, subject to the continuing approval of the coordinating board of advanced education and accreditation.

Amendment adopted. Ordered to third reading.

**HB 50**

providing for a study of Pontook Dam on the Androscoggin River, and making an appropriation therefor. Inexpedient to legislate. Rep. Fortier for Public Works.

Proposal for a dam and park study properly should be considered in the capital budget.

Resolution adopted.

**HB 81**

to reclassify certain sections of highway in the town of Meredith. Ought to pass. Rep. McGee for Public Works.

Routine change in road classifications. No opposition.

Ordered to third reading.

**HB 21**

relative to use of funds held by the Trustees of the Boscawen Academy in Boscawen. Ought to pass. Rep. MacDonald for Statutory Revision.

At the request of town officials of Boscawen this bill allows the trustees to use a small yearly income for the academy building.

Ordered to third reading.

### HB 31

relative to filing of annual returns by corporations. Ought to pass with amendment. Rep. MacDonald for Statutory Revision.

This will allow annual returns of corporations to be signed under penalty of perjury provision rather than having them notarized. The amendment reinstates penalties omitted in original drafting and extends to foreign corporations the right to reserve names with secretary of state.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### An Act

relative to the filing of annual returns, false statements relative thereto and reservation of a name by a foreign corporation.

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Removal of Oath Provisions. Amend RSA 294:112 by striking out said section and inserting in place thereof the following: 294:112 False Statements. Any person who shall subscribe to any such return containing any false statements, knowing the same to be false, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

3 Request for Reservation of Name by Foreign Corporation. Amend RSA 300 by inserting after section 4 the following new section: 300:4-a Fee for Name. Any person who chooses a name for a foreign corporation which is available for use may in writing request the secretary of state to hold such name for him until he has had an opportunity to prepare the record of organization. Upon such request, and upon payment of a fee of five dollars, the secretary of state shall hold such name for use by the person requesting the same for a period of not exceeding sixty days. During such sixty-day period no other person shall

be permitted to register such name either as a trade or corporate name. The fee for such service by the secretary of state shall be in addition to any other fees which may be required when the corporation papers are filed.

4 Effective Date. This act shall take effect sixty days after its passage.

At the request of Rep. Leighton, Rep. MacDonald explained the amendment.

Amendment adopted. Ordered to third reading.

### **HB 36**

establishing five o'clock as the closing hour for filings in all cases relative to elections. Ought to pass. Rep. MacDonald for Statutory Revision.

This bill makes election laws uniform in relation to using the words five o'clock instead of "close of business day" etc.

Ordered to third reading.

### **HB 54**

legalizing the special town meeting held in the town of Newbury on May 23, 1970. Ought to pass. Rep. MacDonald for Statutory Revision.

Housekeeping bill for town of Newbury, New Hampshire.

Ordered to third reading.

## **RESOLUTIONS**

The Derry Delegation offered the following resolutions.

## **RESOLUTIONS**

*Whereas*, it is with great pride that we congratulate Navy Captain Alan B. Shepard, Jr., and

*Whereas*, Alan B. Shepard was the first man to orbit in space and is now preparing for a ten hour walk on the moon, and

*Whereas*, his service to his country as an astronaut exemplifies great courage, loyalty and a great dedication, therefore, be it

*Resolved*, that we the members of the New Hampshire House of Representatives in General Court convened hereby pay tribute to Alan B. Shepard, Jr., and be it further

*Resolved*, that a copy of these resolutions be transmitted to Alan B. Shepard, Jr. and his family.

Unanimously adopted.

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The Speaker designated Wednesday, February 3 as a consent calendar day.

Rep. Trowbridge explained the procedure for consent calendar day Wednesday, February 3.

(discussion)

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Opinion of Deputy Director, office of Legislative Services, in answer to Rep. Bednar's inquiry relative to the applicability of the right-to-know law as it pertains to executive sessions of committees of the General Court.

It is our opinion that the provisions of RSA 91-A do not apply to the General Court and, therefore, do not apply to executive sessions of the committees thereof.

"Public proceedings" are defined as transactions of any functions "by any board or commission of any state agency or authority." It is our opinion that the General Court was not intended to be included under either one of the terms *agency* or *authority*.

The Clerk read the ruling in full.

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Rep. Reddy explained the photo identification cards, and their financing from private sources.

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Rep. McGee moved that the rules of the House be so far suspended as to permit the introduction of HB 155, relative to maximum unemployment benefits available.

Adopted by the necessary two-thirds vote.

## INTRODUCTION OF A BILL

HB 155, relative to maximum unemployment benefits.

(Deputy Speaker in the Chair)

Rep. Hanson moves that the order whereby HB 69, An Act to exempt commercial fishing boats and other commercial vessels from the property tax was referred to the Committee on

Fish & Game be vacated and referred to the Committee on Municipal & County Government.

Adopted.

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On motion of Rep. George Roberts the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it adjourn in honor of Alan Shepard, Stuart Roosa and Edgar Mitchell, to meet Tuesday next at 11:00 o'clock.

#### LATE SESSION

Third reading and passage by House

HB 6, relative to the power of Hesser College to grant degrees.

HB 43, relative to the power of White Pines College to grant degrees.

HB 81, to reclassify certain sections of highway in the town of Meredith.

HB 21, relative to use of funds held by the Trustees of the Boscawen Academy in Boscawen.

HB 31, relative to the filing of annual returns, false statements relative thereto and reservation of a name by a foreign corporation.

HB 36, establishing five o'clock as the closing hour for filings in all cases relative to elections.

HB 54, legalizing the special town meeting held in the town of Newbury on May 23, 1970.

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Rep. George Roberts moved that the Rules of the House be so far suspended as to permit one day's notice in the Journal and a public hearing to be held Tuesday next at 10:00 o'clock on HB 155, relative to maximum unemployment benefits available.

Rep. Roberts explained his motion.

Adopted.

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The Speaker announced with regret that Margaret Ford MacPherson was retiring after 13 sessions as Secretary to the Clerk of the House. She received a standing ovation.

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On motion of Rep. Ainley the House adjourned at 11:33 in honor of Alan Shepard, Stuart Roosa and Edgar Mitchell.

*Tuesday, 2Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD, we thank you for the world in which you have placed us, for the universe whose vastness is revealed in the blue depths of the skies, whose immensities are lit by shining stars, and whose space is penetrated by the "mission" of APOLLO 14. We rejoice in the continuing success of Astronauts Shepard, Mitchell, and Roosa in their space voyage to the Moon. As they have learned the value of teamwork, as they have learned Your laws and trusted in Your great power, O GOD, so may we follow their example on the spaceship "Earth". Reveal to us the vision of a purposeful universe and the courage to be a part of it. Amen.

Rep. Hunt led the Pledge of Allegiance.

#### LEAVES GRANTED

Rep. Cate, the day, illness.

Reps. Campono, Jameson and Quirk, indefinite, illness.

Rep. Gerald Barrett, the week, important business.

Rep. Carignan, two weeks, important business.

#### RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 156 through 188 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 156, imposing a tax on the profits of corporations.  
(Menge of Grafton Dist. 8 — To Ways and Means.)

HB 157, providing that the practice of issuing free passes to state parks be discontinued. (Belzil of Hillsborough Dist. 14 — To Statutory Revision.)

HB 158, removing restrictions on working hours of females eighteen years of age and older. (Belzil of Hillsborough Dist. 14 — To Labor, Human Resources and Rehabilitation.)

HB 159, providing that the liquor commission receive no part of the revenue from sweepstakes ticket sales. (Belzil of Hillsborough Dist. 14 — To Appropriations.)

HB 160, abolishing free passes issued by race tracks in the state. (Belzil of Hillsborough Dist. 14 — To Statutory Revision.)

HB 161, repealing rooms and meals tax application to certain sales of food and drink. (Belzil of Hillsborough Dist. 14 — To Ways and Means.)

HB 162, limiting toll-free use of highways by legislators to legislative days. (Belzil of Hillsborough Dist. 14 — To Statutory Revision.)

HB 163, relative to open space being used for recreational purposes. (Bradley of Grafton Dist. 19 — To Resources, Recreation and Development.)

HB 164, to grant courts sitting in equity the power to authorize discovery to accused persons after arraignment but prior to indictment. (Bradley of Grafton Dist. 9 — To Judiciary.)

HB 165, providing for the protection of the otter. (Menge of Grafton Dist. 8 — To Fish and Game.)

HB 166, providing for election of members of town planning boards. (Menge of Grafton Dist. 8 — To Municipal and County Government.)

HB 167, requiring members of the state tax commission to be elected biennially. (Gordon of Merrimack Dist. 9 — To Executive Departments and Administration.)

HB 168, providing for the transfer of certain funds from one appropriation to another appropriation in towns and school district operations. (Gordon of Merrimack Dist. 9 — To Municipal and County Government.)

HB 169, to abolish the business profits tax, abolish the business profits tax division, impose a tax on stock in trade, impose a machinery tax, and return all business profits taxes collected. (Gordon of Merrimack Dist. 9 — To Ways and Means.)

HB 170, establishing the New Hampshire law enforcement academy and making an appropriation therefor. (Parker of Hillsborough Dist. 15 — To State Institutions.)

HB 171, establishing the time of the annual public hearings relative to the powers and duties of the fish and game department. (Belanger of Hillsborough Dist. 36 — To Fish and Game.)

HB 172, relating to public disposal facilities. (Hanson of Merrimack Dist. 6 — To Public Health and Welfare.)

HB 173, increasing the revocation of license from sixty days to one year for driving while intoxicated and increasing to one year the revocation of license for refusing to consent to a blood test. (Bartlett of Merrimack Dist. 10; Monier of Hillsborough Dist. 4 — To Judiciary.)

HB 174, amending the charter of the Manchester Children's Home. (Daniels of Hillsborough Dist. 27 — To Statutory Revision.)

HB 175, relative to making improvements to the eastern New Hampshire turnpike and making an appropriation therefor. (Hamel of Rockingham Dist. 17; Casassa of Rockingham Dist. 20; Dame of Rockingham Dist. 26; Leavitt of Rockingham Dist. 21; Greene of Rockingham Dist. 22 — To Public Works.)

HB 176, authorizing the director of fish and game to promulgate regulations governing the taking of wild animals and wild birds. (Bradley of Grafton Dist. 19 — To Fish and Game.)

HB 177, to assign responsibility for the conduct of aerial surveys to the department of resources and economic development, and making appropriations therefor. (Heald of Hillsborough Dist. 10; Kopperl of Merrimack Dist. 12 — To Environmental Quality and Agriculture.)

HB 178, to appropriate funds for the conduct of an intensified forest inventory of the state, and making an appropriation

therefor. (Heald of Hillsborough Dist. 10; Kopperl of Merrimack Dist. 12 — To Environmental Quality and Agriculture.)

HB 179, requiring meat slaughterhouses to pay the cost of inspections conducted outside of regular business hours. (Benton of Rockingham Dist. 12 — To Environmental Quality and Agriculture.)

HB 180, relative to district courts. (Andrews of Merrimack Dist. 1 — To Judiciary.)

HB 181, to provide for the regulation of title insurance. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 182, relative to the power of Concord College to grant degrees. (Haller of Merrimack Dist. 25 — To Education.)

HB 183, establishing a pilot youth house project and making an appropriation therefor. (Merrill of Grafton Dist. 13 — To Public Health and Welfare.)

HB 184, establishing within the division of welfare a fair hearings unit and making an appropriation therefor. (Barker of Cheshire Dist. 17 — To Public Health and Welfare.)

HB 185, establishing a school district reorganization commission and making an appropriation therefor. (Menge of Grafton Dist. 8 — To Education.)

HB 186, relating to an interstate boundary commission for the marine boundary between New Hampshire and Maine. (Bowles of Rockingham Dist. 27; Maynard of Rockingham Dist. 24 — To Judiciary.)

HB 187, to revise the procedures governing the practice of dentistry in the state of New Hampshire. (Bowles of Rockingham Dist. 27 — To Public Health and Welfare.)

HB 188, retaining the municipal court in the town of Bedford. (Bridges of Hillsborough Dist. 26 — To Judiciary.)

## SENATE MESSAGE

Senate concurrence on HCR 9, relative to interim pay for attaches.

## COMMITTEE REPORTS

**HB 58**

authorizing persons seventy years of age or over to hunt, fish and take certain marine species without a license. Ought to pass. Rep. Paul Kinney for Fish and Game.

Authorizing persons 70 years of age and over to hunt and fish by providing proof of age and residence.

Ordered to third reading.

**HB 62**

relative to bob houses on the ice and to removing mussels in Hampton river harbor. Ought to pass with amendment. Rep. Maynard for Fish and Game.

Relative to removal of bob houses on ice and adding fine.

## AMENDMENT

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Effective Date. This act shall take effect on passage.

Amendment adopted. Ordered to third reading.

**HB 68**

prohibiting the hunting or taking of albino deer, and defining the same. Ought to pass. Rep. Hunt for Fish and Game.

Prohibiting the hunting or taking of white deer and defining the same.

Ordered to third reading.

**HB 77**

relative to the powers of the board of nurse registration, duties of nurses, and increasing certain fees. Ought to pass with amendment. Rep. Donald Howard for Public Health and Welfare.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Conditions of Practicing Professional Nursing. Amend RSA 326-A:2, I. as inserted by 1959, 265:1 by adding at the end

of said paragraph the following: (unless such acts under emergency or other special conditions, may include special training, as are recognized by the medical and nursing professions as proper to be performed by a professional nurse under such conditions, even though such acts might otherwise be considered diagnosis and prescription.) so that said paragraph shall read as follows: I. The practice of professional nursing means the performance for compensation of any act in the observation, care and counsel of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments as prescribed by a licensed physician or dentist; requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures, unless such acts under emergency or other special conditions, may include special training, as are recognized by the medical and nursing professions as proper to be performed by a professional nurse under such conditions, even though such acts might otherwise be considered diagnosis and prescription.

Amendment adopted. Ordered to third reading.

### HJR 9

to fund a nursing education aid program. Ought to pass. Rep. Carl Foster for Public Health and Welfare.

Referred to Appropriations.

### HB 79

permitting eighteen year olds to serve liquor and beverage as an incident to his or her primary employment of serving food, liquor or beverage to patrons. Ought to pass with amendment. Rep. MacDonald for Statutory Revision.

This bill was amended to correct errors in the original drafting. This bill changes the original law to include golf courses.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

permitting eighteen year olds to serve liquor and beverage in certain cases as an incident to his or her primary employment of serving food, liquor or beverage to patrons.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Liquor or Beverages. Amend RSA 175:8 (supp) as amended by 1959, 224:1; 1969, 284:1 and 1969, 462:1 by striking out said section and inserting in place thereof the following: 175:8 Employment of Minors. No license or permittee hereunder shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverage, except that a person eighteen years of age or older may be employed to serve liquor or beverage in the dining room of a hotel licensed under the provisions of RSA 178:3, a restaurant licensed under the provisions of RSA 178:3-a or a golf club licensed under the provisions of RSA 178:8 as an incident to his or her primary employment of serving food to patrons; and provided further, that an adult person approved by the commission shall be in attendance in said rooms during the time of such employment. Provided, however, that the holder of an off-sale permit may employ minors of not less than sixteen years of age when beverage is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that an adult person shall be in attendance during the time of such employment.

At the request of Rep. Wilfrid Boisvert, Rep. MacDonald explained the bill.

(discussion)

Amendment adopted. Ordered to third reading.

**HB 89**

to prohibit smoking in busses. Inexpedient to legislate. Rep. Hamel for Transportation.

There is a law now (RSA 570:24) and need for a change was not shown.

Resolution adopted.

**HB 98**

to control snowmobiles and motor vehicles within highway rights-of-way. Ought to pass. Rep. Hamel for Transportation.

Prohibits mini-bikes, ATV's, motorcycles, etc. within highway rights of way but does *NOT* change the law pertaining to snow traveling vehicles.

Ordered to third reading.

**RECONSIDERATION**

Rep. Bowles, having voted with the majority, moved that the House reconsider its action whereby it ordered HB 68, prohibiting the hunting or taking of albino deer, and defining the same, to third reading, be vacated and to be placed on second reading for further action.

Rep. Bowles explained his motion.

(discussion)

Rep. Bowles spoke in favor of his motion and against HB 68.

Rep. Sears requested a division.

**PARLIAMENTARY INQUIRY**

Reps. Brummer and Cares rose on a point of parliamentary inquiry.

Rep. Bowles withdrew his motion.

**RECONSIDERATION**

Rep. Hanson, having voted with the majority, moved that the House reconsider its action whereby it ordered HB 68, prohibiting the hunting or taking of albino deer, and defining the same, to third reading, be vacated and to be placed on second reading for further action.

The Chair read from Mason's Manual of Legislative Procedure Sec. 473: Vote Required for Reconsideration.

1. A majority vote of the members present and voting is necessary to reconsider an action.

2. When a measure requires more than a majority vote for passage it may still be reconsidered by a majority vote.

3. A body, under its rule-making power, can prescribe the vote required for reconsideration but, unless a different vote is prescribed, any vote can be reconsidered by a majority vote.

Rep. David Bradley requested that the definition of albino deer be read.

The Clerk read paragraph 2 of the bill.

156 members having voted in the affirmative and 108 in the negative, the motion to reconsider passed.

Rep. Hanson moved that HB 68 be recommitted to the Committee on Fish and Game.

Rep. Hayes spoke in favor of the motion.

Adopted.

#### UNANIMOUS CONSENT

Rep. Raiche requested unanimous consent to address the House. Such consent being granted, Rep. Raiche addressed the House.

Rep. James O'Neil moved that Rep. Raiche remarks be printed in the Journal.

Adopted.

#### STOP AND LOOK — BUT LISTEN

"A fiscal crisis

Many unmet needs

A bill passed

A goal not achieved

An injustice unrectified

Many people concerned

These are the seeds of our problem".

With these words, the Speaker of this House began an inaugural address two weeks ago today entitled "The New

Look". We were asked to refrain from instant comment on the contents of the speech and the programs proposed. We have done so, at least until today.

We have thought about that speech and about the past two years. With all of its problems, New Hampshire is still a state to be proud of. Despite their mistakes New Hampshire's leaders are in my judgment sincere and often courageous. But . . . sincerity and courage are not enough. It is no longer enough to be sincere. It is no longer enough to have the courage to apologize for having made mistakes.

It is no longer enough to simply take "a new look".

It is time for the administration and majority leadership

To stop  
to look  
and  
To listen.

The time has come to stop following the advice of outside consultants however long their list of credentials.

The time has come to stop experimenting with the schemes of amateurs however well intentioned they may be.

The time has come to stop trying to set track records for expedient processing of bills. Efficiency cannot justify inattention, speed cannot be allowed to contribute to error.

Mussolini got the trains to run on time but proved in doing so, the evils of dictatorship.

The time has come to stop adding layers of red tape and expense to the operation of state government. While the cities and towns are starved for funds and almost forced to cannibalize their property owners to survive.

The time has come to stop and in doing so to realize that as Harry Truman said,

"The buck stops here".

We must stop and think about the needs of our New Hampshire citizens. We must stop to analyze the merits of legislative proposals which are laid before us.

We must stop letting others tell us what is best for New Hampshire and make our own judgments.

Draw our own conclusions

Construct our own solutions

Any more mistakes will be too many

Any more apologies will be too late.

No one can deny that we must look. But it is the legislature which must do the work.

The Task Force looked

The management consultants looked

The administration looked

And now the leadership of the majority party plans to look.

To simply look is not enough.

They have to stop. They have to look. And most important they have to listen.

When we were asked two weeks ago to hold our comment on the Speaker's address we did so. But that request should not go by unnoticed. For that request symbolizes the heart and the source of today's crisis.

When John King was governor we had a system in which the checks and balances of true democracy operated for the benefit of all our citizens. The majority party in this House had to listen to what he had to say about their proposals. Out of that debate this state and its system of government functioned — even flourished for the benefit of its citizenry.

Our problems began when the majority party occupied the governor's chair and most of the seats in these chambers.

Their solutions to the problems became themselves the problems. Their solutions were fashioned at a time when they didn't have to listen and they didn't listen.

When we told them that the people of this state were represented in this chamber they didn't listen. They passed us by and put together a task force of dedicated citizens who worked long and hard while we waited for their answers. While we

waited things got worse and when they made their report it was filed away with all the other studies and reports, much of it, ignored and wasted. When we told them what would happen they didn't listen. They should have listened.

When we stood here and predicted the results of the business profits tax they didn't listen . . . they should have listened.

The fact is they didn't have to listen to anyone but themselves, and that ladies and gentlemen is the real problem.

In the last session the minority party presented a comprehensive legislative program designed to solve the problems of this state. Our programs have been good programs. Had they been adopted, New Hampshire would not be in its present state of crisis. They have not been adopted because they didn't listen.

While we proposed our programs and solutions, they were left to their own devices. When we criticized, it was too late. We were ignored. Our attention was too long diverted from their tampering while we spent our time and energy pushing programs, sometimes against a wall of indifference.

We are therefore breaking with our policy of presenting comprehensive legislative alternatives in order to restore to these chambers a much needed atmosphere of reasoned debate and discussion.

The two party system has broken down. An atmosphere of indifference to criticism and challenge has flourished in its place. Ill conceived proposals, poorly thought out programs and grossly negligent mistakes have been pushed through this chamber without stopping to hear criticism.

The challenge could have come from the administration but it didn't. When the administration came to this body with its schemes the challenge could have come from the majority leadership but it didn't. The challenge could have come from others in the majority party but it didn't.

We are all that is left and we intend to challenge the feasibility, practicability, and workability of the leadership's program until they stop, they look, and they listen. That is our plan of action.

This plan of action will take all of our efforts and the efforts of others who can see what has happened to our state. We intend to support the efforts of anyone who wants to examine the problems and fashion solutions. But we intend to make them listen to reason and we intend to make them act responsibly. We intend to ask hard questions and we want them answered.

Let me emphasize that I don't care whose political science textbook supplies the answer to any problem. I want to see answers that stand up to the scrutiny of realistic comment and criticism. If the liberals wish to debate the conservatives, if the newspapers wish to debate each other, if the conservationists wish to debate the preservationists, if the theologians wish to debate the constitution, all well and good, but we of the minority party intend to address ourselves to the problems as they are, and the viability, practicality and realistic impact of the majority's solutions.

If they propose a tax and that tax fails to take into account the plight of the elderly and the middle and lower income citizens of this state who are now straining under the load of rising property taxes, we intend to ask them why.

If they project revenues and expenses on the half-baked assumptions of amateur and outside consultants, we intend to ask them why . . . and plan to make them prove what they project.

If they propose changes in our tax structure without direct, no strings attached relief to our cities and towns, we intend to ask them why.

If they propose more programs without funding, or more funding without assuring that the money isn't wasted we intend to ask them why.

If their answer to dissent is just repression, without any effort to examine and cure the reasons for dissent we intend to ask them why.

If their answer to environmental problems is to add more bureaucracy, spend more money while failing to take into account this state's need for balanced growth and productive employment we intend to ask them why.

If any department seeking funds cannot show that they have cut expenses to the bone we intend to ask them why.

If they propose aid-to-education formulas which fail to take into account the crisis in our parochial school system, we intend to ask them why.

The list of people's needs is endless. These needs have been unmet for far too long. We intend to see that they are met, but met in a way which does not make matters worse.

And so, ladies and gentlemen I will not set forth a broad, comprehensive and all-inclusive legislative program. We in the minority party will not sponsor programs which the majority will ignore. We do not intend to expend all of our time, energy and resources fighting fruitlessly for our own solutions to the problems of this state. We cannot afford to divert our attention from the plans of the majority. We intend to make them listen and hopefully to act responsibly.

We propose instead a plan of action. We will make no deals with anyone but we will support what is right and seek support to fight what is wrong.

Our plan is this.

First: to propose selective legislation in those areas which we know the majority party has historically ignored.

Second: to examine, analyze and constructively criticize the majority party's legislative program so that the people who need protection and who cannot afford mistakes are provided for.

Third: to see to it that all legislation which passes through these chambers is justified and supported by our collective judgment and not just the theories of outside consultants.

Fourth: to personally enlist the support of all state newspapers and other media in this plan of action and ask them to give prominence to our positions on issues whether or not they always agree with us.

Fifth: to approach every problem with an open mind without prejudice and without preconceived dogmatic solutions.

Sixth: To create a unified minority party strong enough to make the majority listen, broad enough to give voice to those in the majority party who feel that they have no voice and articulate enough to intelligently and constructively criticize the hither unchallenged theories of the administration and current leadership.

Any "new look" will be taken by all of us, not just a selected few. Where necessary the new look will be a long and hard look regardless of anyone's desire to process more bills more expediently than ever before. Most important, anyone taking a new look will be forced to listen as well as look, to be realistic as well as idealistic, to be practical as well as theoretical, and to justify positions with facts before they become law rather than apologies next year.

It is not too late to save New Hampshire but time is running out. Solutions are needed but they must be hammered out in a healthy atmosphere of concern and articulate criticism and analysis. A two party system assures this atmosphere. Dogmatic debates between liberals and conservatives threaten it. We need workable solutions and we need them now.

We need to stop.

We need to look.

They need to listen.

I hope all of you will support us in this effort. I do not seek partisanship. I seek to enlist your support in the restoration of our political system. With that system restored we will be able to work together and in so doing . . . return this state to its former position of prominence in this Union and return to the people of this state pride and confidence in its elected leadership.

Thank you.

The Speaker announced that no hearing had been held within 12 legislative days on:

**HB 18**

relative to preparation of budget for University of N. H.

**HB 28**

authorizing the director of fish and game to make all regulations relative to the taking of deer, fur bearing animals and game birds.

**HB 41**

prohibiting the speaking of obscenities in public.

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Rep. Bowles asked the House for an extension of time on HB 18, relative to preparation of budget for University of N. H. to allow a hearing to be scheduled on Tuesday, Feb. 10.

Granted.

The Speaker announced that today is the birthday of Rep. Francis Murphy.

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On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

### LATE SESSION

Third reading and passage by the House

HB 79, permitting eighteen year olds to serve liquor and beverage in certain cases as an incident to his or her primary employment of serving food, liquor or beverage to patrons.

HB 98, to control snowmobiles and motor vehicles within highway rights-of-way.

HB 58, authorizing persons seventy years of age or over to hunt, fish and take certain marine species without a license.

HB 62, relative to bob houses on the ice and to removing mussels in Hampton river harbor.

HB 77, relative to the powers of the board of nurse registration, duties of nurses, and increasing certain fees.

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The Speaker designated Wednesday, February 3, as a consent calendar day.

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The Speaker announced the appointments as members of the Advisory Budget Control Committee of Charles L. McGinness and Sumner Raymond. Arthur Drake, as Chairman of the Appropriations Committee, is a member by statute.

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On motion of Rep. Kinney the House adjourned at 12:06 P.M.

*Wednesday, 3Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY and EVERLASTING GOD, whose glory the heavens are telling, whose power the earth and the sea declare, and whose greatness is revealed in the lives who know freedom and walk in righteousness; Grant light to the minds that hunger for truth in their quest for justice; Grant strength to those who have hard tasks to do and the power to see them accomplished; Grant to this Legislative Body, its leadership and its membership, the knowledge of your presence to guide us through the uncharted course of human events and human endeavors. Amen.

Rep. Cox led the Pledge of Allegiance.

#### LEAVES GRANTED

Rep. Morrison, the day, illness.

Reps. Maglaras and Sayer, the day, important business.

Rep. Eastman, the day, funeral.

#### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 189 through 199 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 189, authorizing the general court to provide for the time and mode for submitting constitutional amendments proposed by it to the voters. (Roberts of Belknap Dist. 6; Bowles of Rockingham Dist. 27 — To Constitutional Revision.)

HB 190, providing for competitive examinations for the selection and promotion of police officers and establishing a probationary period for newly selected police officers in large towns. (Gay of Rockingham Dist. 5 — To Municipal and County Government.)

HB 191, to amend the proposed charter of the city of Exeter to provide that five selectmen shall serve as councilmen at large. (Varrill of Rockingham Dist. 16 — To Special Committee — Exeter Delegation.)

HB 192, exempting Nashua from the payment of debt time limitation pursuant to changing the dates of the fiscal year. (Davidson of Hillsborough Dist. 21 — To Special Committee — Nashua Delegation.)

HB 193, relative to the improvement and extension of the Spaulding turnpike. (Davis of Carroll Dist. 2; Fortier of Coos Dist. 6; Hayes of Carroll Dist. 3; Maglaras of Strafford Dist. 20; Brungot of Coos Dist. 8; Theriault of Coos Dist. 9; Peabody of Strafford Dist. 16 — To Public Works.)

HB 194, relative to payment of vacation wages. (Bednar of Hillsborough Dist. 23 — To Labor, Human Resources and Rehabilitation.)

HB 195, relative to taking lobsters or crabs by a person who does not sell the same and does not use more than five traps. (Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 196, requiring mandatory school attendance until student attains age eighteen or graduates from high school and that transportation be furnished said students. (Fiske of Rockingham Dist. 19 — To Education.)

HB 197, providing that the state shall reimburse cities and towns for taxes lost because of exemptions to veterans and making an appropriation therefor. Schwaner of Rockingham Dist. 9 — To Municipal and County Government — and — Claims, Military and Veterans Affairs.)

HB 198, providing that the state shall reimburse cities and towns for taxes lost because of exemptions to the elderly and making an appropriation therefor. Schwaner of Rockingham Dist. 9 — To Municipal and County Government.)

HB 199, to permit a legal voter who is registered as a member of a party to re-register as an independent voter. (Hamel of Rockingham Dist. 17 — To Statutory Revision.)

## COMMITTEE REPORTS

### Consent Calendar Day

#### HB 24

relative to tax exemption for veterans organizations. Inexpedient to legislate. Rep. Greenwood for Claims, Military and Veterans Affairs.

This Bill would place a tax burden on veterans organizations which are now exempt from property taxes.

Resolution adopted.

#### HB 33

relating to fishing without a license by patients at the Dartmouth-Hitchcock Mental Health Center. Ought to pass. Rep. Oswell for Fish and Game.

Giving mental patients at the Dartmouth-Hitchcock Mental Health Center special fishing permits.

Ordered to third reading.

Rep. Gordon requested a quorum count and subsequently withdrew his request.

#### HB 60

reenacting the stamping or sealing of beaver skins. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Covered by other legislation.

Resolution adopted.

#### HB 61

relative to fish and game licenses issued by the fish and game department. Withdrawn.

#### HB 42

providing that persons imprisoned for offenses against order and decency may be committed to a county jail. Ought to pass with amendment. Rep. Frizzell for Judiciary.

Allows imprisonment in either a house of correction or a county jail; provides flexibility in cases of overcrowding or in the handling of female prisoners.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

providing that persons imprisoned for offenses against order and decency may be committed to a house of correction or to a county jail.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 County Jail as Alternative to House of Correction. Amend RSA 570:30 by striking out the same and inserting in place thereof the following: 570:30 Place of Imprisonment. All persons imprisoned for any violation of the provisions of this chapter shall be committed to a house of correction or to a county jail.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 30**

relating to fees for commission as a justice of the peace or to a notary public and other fees. Inexpedient to legislate. Rep. Allen for Municipal and County Government.

Resolution adopted.

On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

## LATE SESSION

Third reading and passage by House

HB 33, relating to fishing without a license by patients at the Dartmouth-Hitchcock Mental Health Center.

HB 42, providing that persons imprisoned for offenses against order and decency may be committed to a house of correction or to a county jail.

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On motion of Rep. Fellows the House adjourned at 11:19 A. M.

*Thursday, 4Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

GOD of the UNIVERSE — we rejoice in the lunar arrival of APOLLO 14 Astronauts Shepard, Mitchell, and Roosa. As Astronauts Shepard and Mitchell prepare for tomorrow's landing on the surface of the Moon, we pray for their continued safety and success in this important space mission.

Meanwhile, here on the "Spaceship Earth," prepare us for the responsibilities of this legislative day, enable us to respond to each and every just need, let wisdom abound and justice prevail. Upon the conclusion of this day's work, and we begin our homeward journey, watch over us while we are absent from one another. Amen.

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Rep. Oleson led the Pledge of Allegiance.

#### LEAVES GRANTED

Reps. Lynch, Davidson and Monier, the day, illness.

Rep. Robert O'Neil, the week, illness.

Rep. Ruel, the day, funeral.

#### RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 200 through 214 and Concurrent Resolutions Proposing Constitutional Amendment number 8 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 200, to establish a state liquor store in West Lebanon, and making an appropriation therefor. (Foster of Grafton Dist. 11 — To Liquor Laws.)

HB 201, relative to donation of blood by minors. (Knight of Hillsborough Dist. 4 — To Public Health and Welfare.)

HB 202, lowering age of persons who may purchase and use alcoholic beverages to eighteen years. (Parker of Hillsborough Dist. 15 — To Liquor Laws.)

HB 203, relative to professional services. (Knight of Hillsborough Dist. 4 — To Public Health and Welfare.)

HB 204, to increase the minimum pay of members of the national guard while on active state duty. (Sawyer of Hillsborough Dist. 3; Mann of Grafton Dist. 6 — To Claims, Military and Veterans Affairs.)

HB 205, relative to health services in public schools. (Chase of Carroll Dist. 7 — To Public Health and Welfare.)

HB 206, relative to the director and deputy director of the New Hampshire distributing agency. (Miner of Merrimack Dist. 23 — To State Institutions.)

HB 207, relative to the control of radiation. (Huot of Belknap Dist. 9 — To Public Health and Welfare.)

HB 208, relative to foster care services for certain children and youth and making an appropriation therefor. (York of Merrimack Dist. 20; Barker of Cheshire Dist. 17 — To Public Health and Welfare.)

HB 209, providing that polling places in Nashua shall remain open until at least seven o'clock in the evening. (Belzil of Hillsborough Dist. 14 — To Special Committee — Nashua Delegation.)

HB 210, relative to establishing a state housing authority and a state housing finance agency and making an appropriation therefor. (Underwood of Merrimack Dist. 24 — To Executive Departments and Administration.)

HB 211, to provide for treatment of minors for drug abuse without parental consent. (Smith of Rockingham Dist. 7 — To Judiciary.)

HB 212, relative to lapse time on appropriations. (Noble of Merrimack Dist. 27 — To Appropriations.)

HB 213, relative to absentee ballot applications. (Noble of Merrimack Dist. 27 — To Statutory Revision.)

HB 214, making supplemental appropriations for the expenses of the department of health and welfare and the state prison for the fiscal year ending June 30, 1971. (Rules Committee for Rep. Roberts of Belknap Dist. 6 — To Appropriations.)

CACR 8, Relating to: Jury Trials in Civil Causes. Providing that: Jury Trials Be Limited to Cases Where There is More than Twenty-five Hundred Dollars in Controversy. (Andrews of Merrimack Dist. 1 — To Constitutional Revision.)

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Rep. Raiche moved that the prayer offered by House Chaplain today be mailed to the families of astronauts Shepard, Mitchell and Roosa.

Adopted.

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Rep. Merrill moved that the Rules of the House be so far suspended as to permit the introduction of a committee report, not previously advertised in the Journal for two days, on HB 155, relative to maximum unemployment benefits available.

Rep. Merrill explained her motion.

(discussion)

Reps. Twardus, Raiche and Bednar spoke in favor of the motion.

Adopted by the necessary two-thirds vote.

## COMMITTEE REPORT

### HB 155

relative to maximum unemployment benefits available. Ought to pass with amendment. Rep. Merrill for Labor, Human Resources and Rehabilitation.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

to provide for additional unemployment benefits.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Additional Unemployment Benefit Payments. Eligible individuals shall be entitled to additional employment benefits with respect to any week of unemployment in his entitlement period in accordance with the provisions of this act.

2 Definitions. As used in this act, unless the context clearly requires otherwise:

I. "Eligible individual" means a person who:

- (a) Is eligible to receive regular benefits and
- (b) Is an exhaustee.

II. "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under RSA 282 or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85, in his current benefit year that includes such week; provided that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to annual earnings and/or employment that were not considered in the original determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(b) His benefit year having expired prior to such week, has no, or insufficient, annual earnings on the basis of which he could establish a new benefit year that would include such week; and

(c) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive

Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the U. S. Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

III. "Regular benefits" means benefits payable to an individual under RSA 282 or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

IV. "Entitlement period" means the period consisting of the weeks in an individual's benefit year which begin in an additional benefit period and, if his benefit year ends within such additional benefit period, any weeks thereafter which begin in such period, and not less than the thirteen following weeks.

V. "Rate of insured unemployment" means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen consecutive week period, as determined by the commissioner on the basis of his reports to the U. S. Secretary of Labor, by the average monthly employment covered under RSA 282 for the first four of the most recent six completed calendar quarters ending before the end of such thirteen week period.

VI. "Additional benefit period" means a period which

(a) Begins with the week that the commissioner determines that the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment under this chapter

(1) Equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen week period ending in each of the preceding two calendar years, and

(2) Equaled or exceeded three and seven tenths percent. Provided that no additional benefit period may become effective in this state prior to January 30, 1971.

3 Weekly Additional Benefit Amount. The weekly additional benefit amount payable to an individual for a week of total unemployment in his entitlement period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year under the provisions of RSA 282.

4 Total Additional Benefit Amount. The total additional benefit amount payable to any eligible individual with respect to his applicable benefit year shall be thirteen times the weekly benefit amount.

5 Limitation. Notwithstanding any other provisions of this act, no payment of additional benefits shall be made to any individual for any week with respect to which he is or becomes entitled to receive extended benefits pursuant to the unemployment law of the state of New Hampshire enacted in accordance with Public Law 91-373.

6 Applicability of Existing Statutes and Regulations. Except when the result would be inconsistent with other provisions of this act, the provisions of RSA 282 and the regulations of the commissioner which apply to claims for or the payment of regular benefits, shall apply to claims for and the payment of additional benefits.

7 Public Announcement. Whenever an additional benefit period is to become effective in this state under the provisions of this act, the commissioner shall make an appropriate public announcement.

8 Fund Chargeable. All benefits paid under the provisions of this act shall be a charge against the unemployment compensation fund and no employer's separate account under RSA 282:6, C, as amended shall be charged with any such benefit paid.

9 Effective Date. This act shall take effect January 30, 1971.

Amendment adopted.

Ordered to third reading.

Rep. James O'Neil moved that the Rules of the House be so far suspended as to place HB 155 on third reading and final passage at the present time.

Adopted by the necessary two-thirds vote.

## THIRD READING AND PASSAGE BY THE HOUSE

HB 155, relative to maximum unemployment benefits available.

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Rep. Hayes requested an extension of 6 legislative days to permit a hearing and report on HB 28, authorizing the director of Fish and Game to make all regulations relative to the taking of deer, fur bearing animals and game birds.

Granted.

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Rep. MacDonald requested an extension of 6 legislative days to permit a hearing and report on HB 14, allowing the secretary of state with the approval of the attorney general to revoke the charter of corporations for failure to file return and to pay annual fees, and HB 16, permitting charitable organizations to hold raffles.

Granted.

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## COMMITTEE REPORTS

**HB 64**

empowering the pesticides control board to prohibit or restrict the sale and use of certain pesticides. Ought to pass with amendment. Rep. Colburn for Environmental Quality and Agriculture.

Extends authority of Pesticides Board to prohibit or restrict sale and use of certain pesticides; applies to both commercial applicators and private individuals.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Restricted Sales. Amend RSA 149-D:7 (supp) as inserted by 1965, 368:1 and amended by 1967, 270:5 by inserting after paragraph IV the following new paragraphs:

V. Regulations which restrict or prohibit the sale and/or use by commercial applicators or any other person of pesticides

which the board finds to be injurious or reasonably likely to be injurious to man or other living things other than those the pesticides are intended to control.

VI. Regulations which may designate those types of commercial establishments where particular pesticides may be sold.

Amendment adopted.

Ordered to third reading.

### **HB 67**

providing for Port Authority appointed pilots to pilot certain vessels in the Piscataqua river and harbor. Ought to pass with amendment. Rep. Colburn for Environmental Quality and Agriculture.

Requires use of local pilots in Piscataqua River.

### **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appointed Pilots Required. Amend RSA 271-A:7-a (supp) as inserted by 1969, 350:3 by inserting after the word "pilot" in line three the words (appointed by the authority) so that said section as amended shall read as follows: 271-A:7-a Pilots Required. All vessels are hereby required to be piloted by a pilot appointed by the authority into and out of the Piscataqua River and Harbor from a point south of a line drawn east and west from Whale's-back lighthouse. Provided, however, that the requirements of this section shall not apply to pleasure or fishing vessels or vessels of no more than one hundred and fifty registered or enrolled tons.

Amendment adopted.

Ordered to third reading.

### **HB 32**

providing for county contributions to tuition paid for the education of handicapped children. Ought to pass. Rep. Barker for Municipal and County Government.

Clarification of present Laws.

Rep. Barker offered the following amendment.

## AMENDMENT

Amend the bill by striking out section 3 and inserting in its place the following:

3 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment in full.

Rep. Barker explained his amendment.

Amendment adopted.

At the request of Rep. Greene, Rep. Barker explained HB 32.

Rep. Greene moved that HB 32, providing for county contributions to tuition paid for the education of handicapped children, be reported inexpedient to legislate and subsequently withdrew her motion.

(discussion)

Rep. Hanson further explained HB 32.

Ordered to third reading.

**HB 118**

changing the classification of Little Lake Sunapee. Inexpedient to legislate. Rep. Clafin for Resources, Recreation and Development.

Class A associated with water supply.

Recent classification of Lake Sunapee as Class A not germane as Lake Sunapee is a water supply. Little Lake Sunapee is not.

Rep. Andrews moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Clafin spoke against the motion.

Rep. Sherman spoke in favor of the motion.

Rep. Williamson spoke against the motion.

(discussion)

Rep. Fleming spoke in favor of the motion.

Rep. Urie explained HB 118 and spoke in favor of the motion.

Rep. Malcolm Stevenson moved that HB 118 be recommitted to the committee on Resources, Recreation and Development and spoke in favor of the motion.

Rep. Claflin spoke in favor of the motion.

Adopted.

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Rep. Roma Spaulding moved that the order whereby HB 138, expanding the substances controlled by the economic poisons law and broadening the powers of the commissioner to control said substances was referred to the committee on Public Health & Welfare be vacated and referred to the committee on Environmental Quality & Agriculture.

Adopted.

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Rep. Greene moved that the order whereby HB 109, relative to the power of conservation officers to board boats in connection with administration of marine laws, was referred to the committee on Environmental Quality & Agriculture be vacated and referred to the committee on Fish & Game.

Adopted.

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Rep. Zachos requested an extension of 6 legislative days to permit a hearing and report on HB 41, prohibiting the speaking of obscenities in public.

Granted.

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#### REPORT OF COMMITTEE TO SELECT A CHAPLAIN

The House members of the committee to select a chaplain have met and nominated for chaplain of the House in the 1971 session Rev. William L. Shafer.

s/ Esther Davis, Chairman

Adopted.

#### RESOLUTION

Reps. Van H. Gardner, John Twardus, Dorothy W. Davis, Donald K. Howard, Leo L. Dion, Marshall Cobleigh, James O'Neil and Stevenson offered the following resolution.

## RESOLUTIONS

*Whereas*, we are sorry to learn of the illness of Representative George "Pat" Angus of Claremont, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, extend our sympathy to Mr. Angus in his illness and our best wishes for a speedy recovery, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to Mr. Angus.

Adopted.

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The Speaker announced that Rep. Arthur Peabody received a sixty year pin from the Pelham Grange.

## RECESS

## AFTER RECESS

## COMMITTEE REPORTS CONTINUED

**HB 61**

relative to fish and game licenses issued by the fish and Game Department. Ought to pass. Rep. Maynard for Fish and Game.

Giving the fish and game dept. the right to collect a fee for selling licenses.

Rep. Bowles spoke in favor of the bill.

(discussion)

Ordered to third reading.

On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills by title only and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Adopted.

## LATE SESSION

Third reading and passage by the House

HB 67, providing for Port Authority appointed pilots to pilot certain vessels in the Piscataqua river and harbor.

HB 32, providing for county contributions to tuition paid for the education of handicapped children.

HB 64, empowering the pesticides control board to prohibit or restrict the sale and use of certain pesticides.

HB 61, relative to fish and game licenses issued by the fish and game department.

## SENATE MESSAGE

Senate concurrence on HB 155, to provide for additional unemployment benefits.

(Deputy Speaker in the Chair)

## ENROLLED BILLS REPORT

HB 155, to provide for additional unemployment benefits.

Roxie A. Forbes

For the Committee

Accepted.

On motion of Rep. Webster the House adjourned at 3:45 P. M.

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*Tuesday, 9Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain William L. Shafer.

Fulfill, O LORD, the great purpose for which the BOY SCOUTS of AMERICA were created. Watch over the spirit of Scouting; strengthen and sustain the body of its organization; exalt its ideals; refine its aims; bless its many undertakings; and guide its leadership.

We would also express our gratitude for the continuing success of the APOLLO 14 mission, praying for another perfect "splashdown" by our astronauts this afternoon.

And now, LORD, we begin a new day and a new week in our legislative duties; may our concern and work here evidence our response to the needs of our Granite State and her citizens, and may Your Presence be our inspiration in all that we do. Amen.

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Rep. James O'Neil led the Pledge of Allegiance.

(Deputy Speaker in the Chair)

### LEAVES GRANTED

Reps. David Bradley, McGee, C. Edwin Howard, Lagroe and James O'Connor, the day, illness.

Rep. Howland, the day, illness in the family.

Rep. Barnard, indefinite, illness.

Rep. Barrows, indefinite, illness in the family.

Rep. Brown, the week, illness.

Rep. McGinness, the day, car trouble.

### QUALIFIED

John L. Welch, Manchester — Ward 4, Hillsborough County District No. 30, took and subscribed the oath of office for Representative to the General Court before the Governor and Council on February 8, 1971.

### RESOLUTION

Rep. Merrill offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 215 through 227 and House Joint Resolution number 19 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS AND HJR

First, second reading and referral

HB 215, providing that any person having care and custody of minors may not be refused unemployment compensation for refusal to accept third shift employment. (Stevenson of Grafton Dist. 1 — To Labor, Human Resources and Rehabilitation.)

HB 216, relating to excepted persons in the practice of medicine. (McLane of Merrimack Dist. 23 — To Public Health and Welfare.)

HB 217, relating to occupational health services. (Glavin of Merrimack Dist. 26 — To Public Health and Welfare.)

HB 218, relative to fishing limits in Great Bay. (Scamman of Rockingham Dist. 15; Bowles of Rockingham Dist. 27; Tirrell of Strafford Dist. 4; Maynard of Rockingham Dist. 24 — To Fish and Game.)

HB 219, establishing a revaluation division in the tax commission and making an appropriation therefor. (Robinson of Hillsborough Dist. 35 — To Executive Departments and Administration.)

HB 220, authorizing the state of New Hampshire to acquire the Contoocook Village Dam in the town of Hopkinton. (Parker of Merrimack Dist. 5; Reddy of Merrimack Dist. 5 — To Public Works.)

HB 221, concerning the filing of rules by administrative agencies. (Bradley of Grafton Dist. 19; Merrill of Grafton Dist. 13; Robinson of Hillsborough Dist. 35 — To Statutory Revision.)

HB 222, permitting the exempting of police departments from the control of town managers. (Casassa of Rockingham Dist. 20 — To Municipal and County Government.)

HB 223, providing that for the purpose of qualifying for real property tax exemption to the elderly the value of real property shall be pegged at the 1969 assessed value. (Forbes of Cheshire Dist. 3 — To Ways and Means.)

HB 224, relative to number of ballots to be printed for primary elections. (French of Belknap Dist. 2 — To Statutory Revision.)

HB 225, providing that state school building aid shall apply to interest as well as principal. (Schwaner of Rockingham Dist. 9 — To Education.)

HB 226, providing a tax on the income of residents of New Hampshire. (Scamman of Rockingham Dist. 15 — To Ways and Means.)

HB 227, raising the salaries of classified state employees. (MacDonald of Merrimack Dist. 25 — To Executive Departments and Administration.)

HJR 19, providing for a deficiency appropriation for the New Hampshire Retirement System. (Bruton of Hillsborough Dist. 29; Chandler of Rockingham Dist. 25 — To Executive Departments and Administration.)

### COMMITTEE REPORTS

#### HB 150

to revise the mechanics lien law so as to grant loaning banks a first lien on real estate on which construction is proposed or in process. Inexpedient to legislate. Rep. Lamy for Banks and Insurance.

Poorly drafted. Covered by pending legislation in Senate.  
Resolution adopted.

(Speaker in the Chair)

#### HB 13

relative to open season on fisher. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Denies the Fish and Game Commission the right to set a fisher season. Leaves present law as is.

Resolution adopted.

#### HB 56

relative to the taking of raccoons. Inexpedient to legislate. Rep. Chamberlin for Fish and Game.

Leaves present law just as it is.

Resolution adopted.

#### HB 59

authorizing the fish and game director to close areas to

civil trespass in certain cases. Inexpedient to legislate. Rep. Oswell for Fish and Game.

Leaves present law just as it is.

Resolution adopted.

### **HB 11**

to provide for the annual election of officials of Lebanon School District at the same time as the election of city or state officials. Ought to pass. Rep. Carl Foster for Lebanon Delegation.

Rep. Merrill moved that HB 11 be recommitted to the Lebanon Delegation, and explained her motion.

Adopted.

### **HB 12**

amending the Lebanon city charter to provide for three-year terms for city councilors, three to be elected annually. Ought to pass. Rep. Carl Foster for Lebanon Delegation.

Rep. Merrill moved that HB 12 be recommitted to the Lebanon Delegation and explained her motion.

Adopted.

### **HB 20**

imposing a real estate tax on a portion of state owned property. Inexpedient to legislate. Rep. Leavitt for Ways and Means.

The sponsor of this bill estimates it would cost the state \$3 million and the committee felt there were more equitable ways of helping all communities with narrow tax bases.

Resolution adopted.

### **HB 23**

relative to taxing certain properties of religious organizations. Inexpedient to legislate. Rep. Levy for Ways and Means.

Taxing parish houses and all church property did not seem to be good public policy. Church owned property used for non-religious purposes is presently taxed.

Resolution adopted.

**HB 26**

relative to taxation of electrical generating plants. Inexpedient to legislate. Rep. Brocklebank for Ways and Means.

The tax structure of many municipalities would be severely damaged with little benefit to those receiving distribution.

Resolution adopted.

**HB 34**

providing a reduced tax on certain community housing property for the elderly. Inexpedient to legislate. Rep. McLane for Ways and Means.

Provision of present statute provides for adequate payments in lieu of taxes.

Resolution adopted.

**HJR 3**

for appropriation for carrying out provisions of statute relative to regional agreements for educational facilities for the dental education of New Hampshire residents. Ought to pass.

This bill, under the New England Compact, would enable the state of New Hampshire to execute a contract with Tufts Dental School to guarantee the acceptance of a certain number of candidate students of dentistry until such time as New Hampshire has its own facility.

Referred to Appropriations.

**HB 104**

to provide life insurance for national guardsmen while on active state duty. Ought to pass. Rep. Hood for Claims, Military and Veterans Affairs.

Not presently covered by any insurance. Should be.

Referred to Appropriations.

**CONSENT CALENDAR DAY**

The Speaker announced the next consent calendar day will be Wednesday, February 17, and that it is his intention to declare each of the next several Wednesdays as consent calendar day.

## UNANIMOUS CONSENT

Rep. Belzil requested unanimous consent to address the House. Such consent being granted, Rep. Belzil addressed the House.

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Rep. Hanson requested an extension of 6 legislative days to permit a hearing and report on HB 4, prohibiting a person from holding at one time the offices of Representative and County Commissioner.

Granted.

## RESOLUTION

Reps. James O'Neil and Raiche offered the following resolution:

*Resolved* by the House of Representatives that the speaker, after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snow storm or other hazardous condition which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is under the authority of this resolution cancelled shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

COMMITTEE APPOINTMENTS  
INTERSTATE COOPERATION

Rep. Palmer, Mildred L., Chm.

Rep. Spollett, Doris M., V. Chm.

Rep. Ainley, Greta M.

Rep. Greene, Elizabeth A.

Rep. Gelt, Jeanette

Rep. Bowles, Raimond

Rep. Bouchard, Arthur A.

Rep. Nalette, Joseph C.

Rep. Lambert, Lucien G.

On motion of Rep. James O'Neil, the House adjourned from the early session to meet tomorrow at 11:00 o'clock.

#### LATE SESSION

On motion of Rep. Barker the House adjourned at 11:22 A. M.

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*Wednesday, 10Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain William L. Shafer.

ALMIGHTY GOD, our loving Heavenly Father and Eternal Friend, we turn to Thee with eager, expectant, and grateful hearts: Grateful for the successful APOLLO 14 space flight and the safe return of Astronauts Shepard, Mitchell, and Roosa; Expectant in our search for truth that with Thy help we may avert adversity and avoid injustice; Eager, this day, to confront life with faith, courage, and fortitude, enabling each of us the opportunity to serve Thee and our Granite State with honor. Amen.

Rep. Coburn led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Simard and Cleon Gardner, the day, illness.

Rep. Lagroe, today and tomorrow, illness.

Rep. Keefe, the week, illness.

Rep. McGee, indefinite, illness.

## RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 228 through 241 and Concurrent Resolutions Proposing Constitutional Amendments numbered 9 and 10 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF BILLS AND CACR'S

First, second reading and referral

HB 228, relative to excavating, filling, mining and construction in the inland waters of the state, establishing an inland wetlands authority and making an appropriation therefor. (Kopperl of Merrimack Dist. 12; Oleson of Coss Dist. 5; Hayes of Carrol Dist. 3 — To Resources, Recreation and Development.)

HB 229, to establish a state sweepstakes, gambling and gaming commission, and making an appropriation therefor. (Sayer of Rockingham Dist. 7 — To Ways and Means.)

HB 230, requiring open vehicles to be covered when carrying particulate material. (Fiske of Rockingham Dist. 19; Cassa of Rockingham Dist. 20; Maguire of Belknap, Dist. 12 — To Transportation and Aeronautics.)

HB 231, requiring that the articles of agreement of voluntary corporations and associations provide for the disposition of the assets of such corporations upon their dissolution. (Roberts of Belknap Dist. 6 — To Executive Departments and Administration.)

HB 232, imposing a head tax on persons over eighteen and under sixty-eight years of age and providing for the distribution of taxes collected. (Webster of Carroll Dist. 6; Gordon of Merrimack Dist. 9 — To Ways and Means.)

HB 233, relative to the definition of a child-caring agency. (Cobleigh of Hillsborough Dist. 15 — To Public Health and Welfare.)

HB 234, relative to the salaries of the Rockingham county sheriff, chief deputy sheriff and deputy sheriffs. (Gay of Rockingham Dist. 5 — To Special Committee — Rockingham Delegation.)

HB 235, providing full workmen's compensation for state employees. (McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 236, establishing a finance commission for the city of Manchester. (Ainley of Hillsborough Dist. 27 — To Special Committee — Manchester Delegation.)

HB 237, establishing a regional government commission and making an appropriation therefor. (Menge of Grafton Dist. 8 — To Executive Departments and Administration.)

HB 238, providing for cost of living additions in the New Hampshire retirement systems and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To Executive Departments and Administration.)

HB 239, permitting abortion in certain cases. (Bowles of Rockingham Dist. 27 — To Public Health and Welfare.)

HB 240, designating abortion as a legal medical procedure under certain conditions. (Daloz of Hillsborough Dist. 6; Cochran of Strafford Dist. 4; Menge of Grafton Dist. 8 — To Public Health and Welfare.)

HB 241, amending the business profits tax and changing the dates for return of revenue to cities and towns. (Reddy of Merrimack Dist. 5 — To Ways and Means.)

CACR 9, establishing a Four Year Term for Governor. Providing That: The Governor Shall be Elected Every Four Years on the Nonpresidential Election Years, and no person shall Serve more than Two Terms consecutively. (Cobleigh of Hillsborough Dist. 15; Bowles of Rockingham Dist. 27 — To Constitutional Revision.)

CACR 10, the Power of the State to Tax. Providing That: The Legislature be Allowed to Impose Taxes that are not Proportional. (Raiche of Hillsborough Dist. 34 — To Constitutional Revision.)

## SENATE MESSAGE

### Senate concurrence on

HB 45, to reclassify certain sections of highway in the town of Newmarket.

HB 88, to legalize the proceedings of the special meeting of the Pembroke school district held on July 28, 1970.

HCR 11, extending the time for the report of the Manchester ward commission.

## FURTHER SENATE MESSAGE

### Introduction of Senate Bills and referral

SB 5, providing payment to persons for loss of existing mortgage financing where such persons are displaced as a result of highway activities. — To Public Works.

SB 8, providing that encumbered appropriations of tolls collected on Central New Hampshire Turnpike shall not lapse until the object thereof is accomplished. — To Public Works.

SB 9, providing that encumbered appropriations of tolls collected on Eastern New Hampshire Turnpike shall not lapse until the object thereof is accomplished. — To Public Works.

SB 4, relative to the composition of the judicial council. — To Judiciary.

SB 7, permitting persons convicted of certain sex crimes to waive psychiatric observation and examination, and removing the minimum time for which they may be so committed. — To Statutory Revision.

SB 23, relative to probable cause hearings. — To Judiciary.

SB 25, modifying the requirements for membership on a municipal budget committee. — To Municipal and County Governments.

## ENROLLED BILLS REPORT

HB 44, to reclassify a certain section of highway in the town of Benton.

HB 45, to reclassify certain sections of highway in the town of Newmarket.

HB 88, to legalize the proceedings of the special meeting of the Pembroke school district held on July 28, 1970.

Roxie A. Forbes  
For the Committee

## COMMITTEE REPORTS

### CACR 2

Relating To: County Attorneys. Providing That: The Legal Elected Representative of a County Shall Be Called a District Attorney. Inexpedient to legislate. Rep. Higgins for Constitutional Revision.

Proposal to amend the constitution to change the name of the "County Attorney" to "District Attorney" not considered to be of such import as to warrant placing same on ballot for the 1972 election.

Rep. Chase explained the committee report.

Resolution adopted.

### HB 71

relative to authority of the coordinating board of advanced education and accreditation. Ought to pass with amendment. Rep. Abbott for Education.

The bill is a clarification of the authority and procedures of the Coordinating board of advanced education and accreditation.

Rep. George Roberts moved that HB 71 be laid on the table.

Adopted.

### HB 99

relative to the power of McIntosh College, Inc. to grant degrees. Ought to pass with amendment. Rep. Abbott for Education.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 McIntosh College, Inc. Amend section 1, chapter 472, Laws of 1965, as amended by 1969, 573:1 by striking out said

section and inserting in place thereof the following: 472:1 Authority Granted. The college conducted by the McIntosh College, Inc., an educational institution, is hereby authorized to confer upon the graduates thereof the degree of associate in business science for the period from June 30, 1971 to June 30, 1975, subject to continuing approval by the Coordinating Board of Advanced Education and Accreditation.

Amendment adopted.

Ordered to third reading.

### HB 134

providing for state payment of tuition for pupils residing on state owned property and making appropriation therefor. Inexpedient to legislate. Rep. Abbott for Education.

Allows an appropriation insufficient to cover the number of pupils residing on state owned property. Other legislation being drafted may meet the purposes of this bill.

Resolution adopted.

### SUBCOMMITTEE ON ELECTIONS

On the petition of Lake Munday contesting the elections of Representatives Phyllis M. Keeney and G. Phillip Rodgers. Petition denied. Rep. Healy for Elections.

Accepted.

Resolution adopted.

### SUBCOMMITTEE ON ELECTIONS

On petition of L. Joseph Jacquet contesting the election of Representative John M. Bednar. Petition denied. Rep. Andrews for Elections.

Accepted.

Resolution adopted.

### UNANIMOUS CONSENT

Rep. Bednar addressed the House by unanimous consent.

Rep. Cares moved that the remarks by Rep. Bednar be printed in the Journal.

Adopted.

## REP. BEDNAR'S REMARKS

In behalf of my constituents in the town of Hudson, I wish to publicly apologize to the subcommittee on elections for the irresponsible actions of some individuals in Hudson in their attempt to use the members of this House of Representatives to further their political ambitions.

The evidence presented to the election committee had no foundation in fact and the so-called witnesses were nothing more than political opportunists seeking to foment further hatred in the town of Hudson because of their failure to unseat me in the November 3 election.

As I pointed out to the subcommittee on elections, there has been a long-standing feud between myself and a long term selectman in the town of Hudson because I have dared to question his, and his appointed cohorts' administration of town affairs for the past twenty years.

Because the town of Hudson suffers from a case of news isolation and some irresponsible reporting of factual events as they occur in the town, the residents of Hudson, especially the newcomers, are at the mercy of these long term officeholders and their newly acquired satellites from a neighboring state.

In Hudson, if you do not agree with the questionable actions of some town and school officials, as they pertain to their handling of the taxpayers' money, you are ostracized and, immediately, a vicious whispering campaign is launched in an effort to bring you into line. They will do anything to hurt you.

In my case, during the past 20 years I have been harassed by some public officials, hung in effigy twice, my business attacked from all sides, and my business property vandalized with the apparent approval of some elected and appointed officials. Is this what we call the American way of life?

Not too long ago, prior to the September 8th primary, an attempt was made to frame me for a supposed hit and run accident engineered by some disgruntled public officials and their friendly news correspondent. Fortunately, their well laid plans blew up in their face and the case was dismissed in court.

This is the way it is in the town of Hudson — where some public officials have been walking the tight rope of legal ir-

responsibility, at the expense of the taxpayers. Now, the person who brought these irresponsible charges, wants to be a select-man.

## COMMITTEE REPORTS CONTINUED

### HJR 7

establishing a committee to study the economic, social, environmental, and educational problems resulting from population growth in New Hampshire. Inexpedient to legislate. Rep. Greene for Environmental Quality and Agriculture.

Unfunded, too broad, and duplicates past and present studies.

Resolution adopted.

### HB 28

authorizing the director of fish and game to make all regulations relative to the taking of deer, fur-bearing animals and game birds. Inexpedient to legislate. Rep. Maynard for Fish and Game.

This bill takes the power of the General Court away to set game laws.

Resolution adopted.

### HB 84

relative to the deposit of funds with the state treasurer by the fish and game department. Ought to pass. Rep. Oswell for Fish and Game.

Improper or incorrect check, draft, or money order may be returned to the sender and not deposited with state treasurer.

Ordered to third reading.

### HB 86

relative to special licenses for taking birds and animals. Ought to pass. Rep. Sawyer for Fish and Game.

No license shall be required for the common practice of capturing and banding game and song birds.

Ordered to third reading.

**HB 122**

to allow nonresidents to serve legal process on the secretary of state as agent for foreign corporations. Ought to pass. Rep. Frizzell for Judiciary.

Allows nonresidents as well as residents to use office of Secretary of State for service of legal process on foreign corporations provided the contract is performed in New Hampshire or the injury occurs in New Hampshire.

Ordered to third reading.

**HB 126**

extending the good samaritan law to certain rescue and ambulance squads. Ought to pass with amendment. Rep. Halvorson for Judiciary.

Provides volunteer rescue and ambulance squad with the protection presently found in the "Good Samaritan" law.

Rep. Trowbridge mover that HB 126 be recommitted to committee on Judiciary.

Adopted.

**HB 101**

requiring the director, division of welfare to submit rules and regulations prescribed for child care agencies to the general court for approval. Majority: Inexpedient to legislate. Minority: Ought to pass. Reps. Sweeney and Gordon.

Reports accepted.

Rep. George Roberts moved that HB 101 be laid on the table and subsequently withdrew his motion.

Rep. George Roberts spoke in favor of the majority report.

Rep. Raiche moved that HB 101 be laid on the table.

On a vv the Chair was in doubt and requested a division.

The vote being manifestly in the affirmative the motion carried.

Rep. Shirley Clark moved that the order whereby HJR 19, providing for a deficiency appropriation for the N. H. retire-

ment system, was referred to the Committee on Executive Departments & Administration be vacated and referred to the Committee on Appropriations.

Adopted.

Reps. James O'Neil and Raiche offered the following resolution:

#### HOUSE CONCURRENT RESOLUTION 14

*Whereas*, Town Meeting day occurs on Tuesday, March 9th, therefore be it

*Resolved*, by the House of Representatives, the Senate concurring, that the General Court meet that week on Wednesday, and Thursday, March 10th and 11th.

The Clerk read the resolution in full.

Adopted.

Reps. Levy and Chandler offered the following resolution:

#### RESOLUTION

*Be It Resolved* by the House of Representatives that the sergeant at arms is directed to mail to any member who requests the same, copies of the journal of the last day's action in each week and the calendar of the first day of each week.

The Clerk read the resolution in full.

Rep. Wilfrid Boisvert spoke against the resolution.

Rep. Levy spoke in favor of the motion.

(discussion)

Rep. Levy yielded to Rep. George Roberts.

Reps. Trowbridge and Chandler spoke in favor of the resolution.

Rep. Vachon questioned the Speaker as to where the funds came from and whether or not an appropriation would be required.

The Speaker replied that the cost was determined by the number of members desiring Journals. Does not need to go to Appropriations. Sufficient funds in the postage budget.

Rep. Cares and Brungot spoke in favor of the resolution.

Adopted.

## RESOLUTION

Reps. James O'Neil and Raiche offered the following resolution:

## RESOLUTION

*Resolved*, that no bill, joint resolution, concurrent resolution to amend the constitution, claim outstanding on the first day of the session or petition relating to new business shall be introduced in the session unless its subject matter has been received for drafting by Legislative Services on or before February 11, 1971.

The Clerk read the resolution in full.

Rep. James O'Neil explained the resolution.

(discussion)

Rep. George Roberts spoke in favor of the resolution.

Resolution adopted.

Rep. Cares moved that the Speaker's interpretation be printed in the Journal.

Adopted.

## SPEAKER'S INTERPRETATION

The House requested an explanation of just what is meant by a properly filed bill. The Joint Rules formerly, and this year's House resolution, require that the subject matter of a bill must be received for drafting by Legislative Services on or before the seventeenth legislative day of the session. This has been interpreted to mean that sufficient detail must be supplied upon filing with Legislative Services so as to enable a bill drafter to prepare a final draft ready for introduction. In the event it is later determined that additional drafting information is required, the bill drafter will contact the sponsor for the needed

information. The Legislator involved can meet the requirements of this rule simply by cooperating with Legislative Services and promptly answering their questions about the proposed bill.

## BILLS DUE UNDER RULE 57 AND NOT REPORTED

### Claims, Military & Veterans Affairs

HJR 4, in favor of the New Hampshire Veterans Association.

### Education

HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

### Judiciary

HB 49, relative to the unauthorized removal of national or state flags while they are on display.

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Rep. Bowles requested an extension of 6 legislative days to permit a hearing and report on HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

Granted.

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Rep. George Roberts moved that HB 71, relative to authority of the coordinating board of advanced education and accreditation, be taken from the table.

Adopted.

### HB 71

relative to authority of the coordinating board of advanced education and accreditation. Ought to pass with amendment. Rep. Abbott for Education.

## AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Educational Institutions. Amend RSA 292:8-h, as inserted by 1965, 44:1 by striking out said section and inserting in place thereof the following: 292:8-h Granting of Degrees. No

educational institution within this state shall grant degrees unless authorized by an act of the legislature to do so, and such authorization shall be subject to continuing approval by the Coordinating Board of Advanced Education and Accreditation. Provided that this limitation shall not apply to any institution now granting degrees which has been in continuous operation since 1775 or to publicly supported institutions placed by the legislature under the authority of the State Board of Education. The authority granted by the legislature shall specify the highest level of degrees, the associate (two-year), baccalaureate (four-year) or graduate, an institution may grant. Within that authority the board shall determine what specific degrees an institution may grant. Should an institution propose a substantive change in the degrees it grants, prior approval shall be obtained from the board. The authority of the board to approve changes in degrees, at the level authorized by the legislature, shall extend to those institutions given degree granting authority prior to the effective date of the 1971 amendment to this section. An institution authorized to grant baccalaureate or graduate degrees shall have the authority to give customary honorary recognition to outstanding individuals for noteworthy achievement. Should an institution legally change its name but make no substantive change in its structure or operation, the degree granting authority shall pass, if approved by the board, to the newly named institution.

At the request of Rep. Merrill, Rep. Bowles explained HB 71.

(discussion)

Amendment adopted.

Ordered to third reading.

#### UNANIMOUS CONSENT

Rep. Chase addressed the House by unanimous consent.

On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

## LATE SESSION

Third reading and passage by the House

HB 99, relative to the power of McIntosh College, Inc. to grant degrees.

HB 84, relative to the deposit of funds with the state treasurer by the fish and game department.

HB 86, relative to special licenses for taking birds and animals.

HB 122, to allow nonresidents to serve legal process on the secretary of state as agent for foreign corporations.

HB 71, relative to authority of the coordinating board of advanced education and accreditation.

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CONSENT CALENDAR DAY

Wednesday, February 17 will be consent calendar day.

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On motion of Rep. Tilton the House adjourned at 12:35 P. M.

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*Thursday, 11Feb71*

The House met at 11:00 o'clock.

## JOINT CONVENTION

Prayer was offered by House Chaplain Rev. William L. Shafer.

Most gracious heavenly FATHER, whose Spirit meets us in the valley of shadows as well as on the mountaintop of triumph, we come before Thee today, in Joint Convention, to hear and examine the many vital issues that confront our "Granite State." Guide and direct our Governor, his Council, and this Joint Convention in wisdom and truth as they endeavor to seek the common good for our "Granite State" citizens.

May the memory of Abraham Lincoln inspire us to reaffirm and keep his pledge — “that this nation, under God, shall have a new birth of freedom, and that the government of the people, by the people, and for the people, shall not perish from the earth.”\* To this end may we ever be faithful to the responsibilities of our elected offices — in the name of the Father, and of the Son, and of the Holy Spirit. Amen.

(\*excerpt from Lincoln’s “Gettysburg Address”)

Rep. Maynard led the Pledge of Allegiance.

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The Speaker introduced His Excellency Governor Peterson who presented his Budget Message.

I offer you today my recommendations for the budget for the next two years.

On January 6, I devoted a large part of my Inaugural address to the problems facing New Hampshire in terms of demonstrable human needs, and in terms of the fiscal realities of the state and local governments for which we are responsible.

I said then that our problems are serious ones only if we fear to confront them boldly, and I said that they may logically be categorized as short-term and long-term problems.

Let me discuss the short-term problem and propose a short-term solution. We must find a revenue source which can provide over nine million dollars if we are to correct our present deficit condition.

I propose to you, therefore, a business payroll tax levied at one percent, to begin and end in fiscal year 1972. That is, a one-time, one-year tax on business and industry designed solely to redress the imbalance caused by the failure of the business profits tax to produce as expected.

In a year in which the Federal Government projected a surplus but in fact ran an 18 billion dollar deficit, our own problem is indeed a finite and manageable one.

While a continuing business payroll tax at a higher rate could permit us to fulfill future obligations we made when the profits tax was enacted, I do not want it to become a part of our permanent tax structure.

For a payroll tax, over a period of time, could tend to harm our traditional industries and their employees, and discourage modern industry from locating in New Hampshire.

The temptation to become dependent on — and later increase — narrow based, stop-gap taxes is a dangerous one, and in fact has helped lead us into our present situation.

I offer the payroll tax with a \$1000 exemption per employee to protect wages and jobs. It is a reliable and predictable means of raising revenue, and I propose it in the knowledge that industry has received significant tax relief under the business profits tax.

I acknowledge that an increase in the profits tax rate could accomplish the same end of raising additional revenue, and that — in theory — it is the fairer means. But I prefer to maintain the profits tax at the advantageous rate of 6 percent, permitting us to continue the momentum we have established to bring modern, high-wage industry to New Hampshire.

Hence I propose a temporary tax which will cease to exist during the legislative recess and which therefore could not be continued.

The budget I propose to you today will allow us to continue the momentum we have established toward meeting legitimate needs of our citizens.

In awareness that our means are limited, I have confined program expansion to areas which I consider to be of priority importance now and in the decade ahead.

General fund budget requests to me were \$285 million for the biennium. We have cut \$90 million from these requests, and while this is the largest dollar cut in New Hampshire's history, an equally startling figure is that my general fund budget is up \$45 million over that for the present biennium.

This increase, I want to emphasize reflects not so much a deliberate effort to expand programs as it does the rising costs of programs already offered.

Growth of population and inflation are taking their toll of government dollars.

For example, welfare spending in the last biennium totalled \$16 million. In the coming biennium, the same basic

programs, even with savings attempted in some areas, will cost about \$25 million, a 55 percent increase.

In the present biennium the University system budget is just under \$26 million. I suppose to increase this to \$33.4 million in the coming biennium, an increase of \$7.5 million — which is nevertheless \$6 million below the University request. The increase I have approved will permit the University to maintain high quality education, and do so for an increasing population of students.

Let me describe some of my priorities for the coming biennium.

I have included additional spending for the mental health division to expand our program of community mental health centers. This program, which received major impetus as a result of the additional support we gave it in the 1970 special session, is an investment in human lives which has taken pressure off the State Hospital while offering the kind of treatment which is only possible in one's own community.

I have provided funds for accelerated expansion of our statewide program of high school vocational training.

These regional vocational education centers are crucial if we are to prepare today's students for the jobs of the future, the vast majority of which will require preparation in vocational skills and not an academic college education.

In the budget I have also included additional funding for the program, initiated last year, of assistance to communities with non-public schools. The importance of this program to these communities is best understood in terms of the fiscal disaster which could result from the sudden closing of parochial schools.

I will be asking for special funding for drug rehabilitation programs now sadly lacking, and I will propose expansion of our fine state police narcotics unit.

I have included in my budget a major change in our approach to industrial promotion, allowing us more flexibility to attract the professional talent we need to represent New Hampshire in the competition for modern industry.

This is part of an effort I place in the first rank of importance to our state. We must do everything possible to attract clean, high wage, capital-intensive industry to New Hampshire if we are to have balanced growth. Our state should not become predominantly a suburb for the industrial complex of Massachusetts or just a recreation retreat for out-of-state visitors. We must provide good jobs for our citizens in their own communities.

In my budget I have included money which the State Council on Aging may use as the local match for Federal funds to initiate community programs for the elderly.

So that our state government may be effectively organized for the tasks it must accomplish, I will propose funding for a thoroughgoing management study, as well as for a review of our personnel system.

The major changes I shall propose in our environmental control effort are not fully reflected in the budgets I am presenting, but will come to you in the form of special legislation. As well as providing a unified attack on pollution at the state level, this program envisions the assumption of local sewage treatment costs. It will be the subject of a special message to you later in this session. Similarly, I will have a special message on the Highway budget. And finally, I will propose establishment of a Housing Authority sufficiently financed to draw Federal assistance to meet the growing housing requirements of our citizens. There is a housing shortage now of 30,000 units, and this gap is growing.

Any analysis of the problems of the next biennium and the decade ahead must also focus on the problem of the way in which both local and state governments are financed.

What must be acknowledged first is that our tax structure is so unrelated to ability to pay, so unresponsive to economic growth, and so heavily weighted toward property taxation, that we should straighten it out before we do anything else.

In the present fiscal year, the state will have sent more than \$30 million back to cities and towns, through state aid programs or through shared revenue. When you consider that we have the power to retain this money at the state level, we could very easily erase any deficit now or in the foreseeable future from the state's books.

But none of us would now move to destroy the solvency of cities and towns, because, as much as any state in the nation we want to preserve the integrity and independence of what have been called our little republics.

However, even while we have enjoyed this tradition, we ironically enough are the state with the least financial assistance to localities in the nation. We have done too little — and as a result our communities have been led into a dependence on property taxes all beyond the ability of the low-income homeowner to pay.

By our methods of taxation we have forced literally hundreds of elderly persons off their homesteads, and we can little blame selectmen for welcoming the out-of-state second home buyers who yearn to live the way they think we live. Except that they can afford to live that way, and our citizens, too often cannot.

Our state taxes are the lowest in the nation. But this has been an illusory benefit to the low-income property owner in New Hampshire, for two reasons: first, because our state taxes are regressive, taking more proportionally out of the little man than out of the well-to-do, and secondly, because our communities, almost totally dependent on property taxes, have no choice but to increase this burden to meet spiraling costs. Neither state nor local taxes on our citizens take account of ability to pay, the most basic test of tax fairness.

But I believe we have reached a turning point in New Hampshire history.

Last fall, and as recently as early last month, I had hoped that a bitter struggle over major tax reform in New Hampshire would not be required of us in this legislative session.

But the failure of the business profits tax was not anticipated until November 15, nor fully understood and analyzed until more recently. A second grim revelation has been the spiraling costs of mandated welfare programs.

To meet our escalating commitment to cities and towns under the profits tax legislation, and to fund the growing welfare obligations, will require more than \$40 million in new money during the coming biennium.

I am deeply conscious of my own past statements. But the inescapable facts concerning the commitments we have rightly made, together with growing needs on every side, have created new realities that must be faced with intelligence and honesty.

I should tell you that it would be possible for me today to give you a budget financed by a systematic increase in rates of taxes presently on the books, together with some new sales or property tax which our collective imagination could produce.

But it would be an exercise in irresponsibility. I could bring you an increase in the cigarette tax that took no account of prices in surrounding states; I could propose a doubling, or even a tripling, of the head tax; I could suggest raising the rooms and meals tax to 6 percent or beyond, or raising the profits tax and changing our industrial climate; we could increase the insurance tax and put our own insurance industry out of competition with that of all other states. And we could substantially increase the beer tax.

When all of this is done there would not be enough money to finance basic state needs, nor would there be any hope whatever for assisting property taxpayers.

The time has plainly come to stop looking for band-aid solutions to immediate fiscal problems with no thought of the future.

The time has come to set politics aside in the interest of what needs to be done. Like many of you I had perhaps engaged in wishful thinking, hoping that social changes and the increasing sophistication of our citizens would eventually produce a clear call for major tax reform. But we have no choice now except to assume leadership, to acknowledge that in our boasts of being the only state without broadbased taxes we have obscured the inequities of our taxation, and the ever-increasing burden we have, by default, placed on homeowners of the state.

I therefore propose to you a 3 percent tax on adjusted gross income, with exemptions of \$1,000 per person, and with additional \$1,000 exemptions for the elderly and the blind.

As part of this legislation, I propose repeal of the interest and dividends tax and of course the commuter income tax, in both cases to avoid double taxation. I will also propose repeal

of our head and poll taxes, which are the most regressive taxes of all, and which are, in addition, a nuisance to citizens and governments alike.

Also as part of this legislation, I propose the most sweeping program of property tax relief for low-income wage earners and elderly persons in the nation.

It is a tax credit system, now successfully in use in five states, including Vermont. But in those states it is used solely to provide tax relief for the elderly. I believe the same relief should be extended to all low-income persons.

This system, which has been called a circuit breaker for property tax overload, operates very simply: for low and moderate income persons who spend over six percent of their annual income on property taxes, the state gives them a credit for the amount above six percent. If this credit exceeds their income tax liability — and for most low-income earners it will — they receive a check from the state for the difference.

This circuit-breaker system recognizes that New Hampshire is a state where low income levels and high property taxes have collided violently.

The average wage in New Hampshire is between five and six thousand dollars a year. The average value of homes ranges between ten and twenty thousand dollars. And the average tax rate is four percent of valuation.

When you put these figures together, you find that there is a significant class of people, earning between three thousand and eight thousand dollars a year, who are paying as much as 10 percent of annual wages in property taxes, and as for the elderly, the majority of them living on less than \$5,000 a year, there are many who pay up to fifty percent of their income in property taxes.

This plainly is confiscatory taxation.

We have chosen the circuit-breaker system over all other forms of property tax relief, because it guarantees relief where it is most needed.

My tax proposal will provide net revenue of \$80.4 million dollars in the next biennium. Of this the state will retain 65.4

million dollars, allowing us to set state spending at 269.7 million dollars for the biennium, with a 2 million dollar budgeted surplus.

Of this, nearly nine million dollars are earmarked for the assumption of the costs, past, present and future, of construction of sewage disposal facilities in the towns and cities, which elect to participate. This program could result in a lump sum payment of 3.5 million dollars to those communities which have already assumed the great burden of building these facilities, and remove this costly item from the future budgets of all others.

We have estimated the cost of the circuit breaker tax credit at \$15 million in this biennium.

I know there are many of you who share the basic views I have expressed here today. But I know that others among you are true conservatives in the New Hampshire mold, who sincerely believe that Government is already too much with us. I respect this time-honored view.

I would say again to you that the cost of government in New Hampshire has risen in the past because we have moved in recent years to aid our local communities and to deal with problems, such as environmental pollution, which were hardly foreseen a generation ago. But spending has risen also because the cost of each employee, each desk, each square foot of space has gone up every year.

This problem is not confined to New Hampshire. Many states this year are confronting bankruptcy. By comparison with any of them, our requirements are modest, and our remaining tax sources are abundant.

I offer, in conclusion, this thought. There are no reasonable means before you meet state or local needs other than through a revolution in our antiquated tax structure.

My proposal for a low-rate income tax will meet the most vital needs, while offering the kind of tax relief and reform I see as necessary. A sales tax will do neither, and in fact simply adds another tax to the low-income persons I want to protect.

We must meet the state's legitimate needs, and we must offer property tax relief for average New Hampshire citizens.

The alternative is grim: unless we face reality, there can be no real attack on environmental pollution, there will be no community mental health centers, there will be no vocational education programs worthy of the name. There will be no state pay raises in the next two years; tuition at the University of New Hampshire will put it out of reach of all but a few; there will be no legislative specials which require any funding, and we shall default on our long-term programs of aid to those in special need — the disabled, the elderly and the disadvantaged children of our state.

And our aid programs to cities and towns will shrink or vanish, leaving property-tax payers even more at the mercy of spiraling local costs.

My own hopes for New Hampshire are not those of a dreamer.

I have always placed greatest importance on establishing and maintaining a momentum toward goals which will not be attained in one biennium, or perhaps not in a decade.

We have reached the point in history when special boldness is required of us. We will not have the luxury of merely maintaining the status quo, for the currents of change are very swift.

The alternatives open to us are to move forward — or to move backward to a past which no longer exists.

On motion of Senator Lamontagne, the Convention rose.

## HOUSE LEAVES OF ABSENCE

Reps. Simard, Record and David Bradley, the day, illness.

Rep. Lynch, indefinite, illness.

Rep. Maglaras, the day, important business.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 242 through 266 and House Joint Resolution numbered 20 shall be by this resolution read

a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading & referral

HB 242, providing that the reregistration of voters be postponed until 1974 and establishing a committee to study and report on the form of checklists. (Miner of Merrimack Dist. 23 — To Statutory Revision.)

HB 243, relative to establishing a junior college system in the state and making an appropriation therefor. (Parker of Hillsborough Dist. 15 — To Education.)

HB 244, providing for a halfway house for alcoholics and making appropriations therefor. (Zachos of Hillsborough Dist. 27; Knight of Hillsborough Dist. 4 — To Public Health and Welfare.)

HB 245, prohibiting the use of studded tires on vehicles during the period from April first to November first of any year. (Colburn of Hillsborough Dist. 11 — To Transportation and Aeronautics.)

HB 246, authorizing the use of breath tests to determine the percentage of alcohol in the bloodstream of motor vehicle operators. (O'Neil of Cheshire Dist. 12 — To Transportation and Aeronautics.)

HB 247, relative to the date for verification of voter checklists and the manner of notification to voters of the registration procedure. (Hanson of Merrimack Dist. 6 — To Statutory Revision.)

HB 248, establishing an interim commission to study flood plains. (Kopperl of Merrimack Dist. 12 — To Environmental Quality and Agriculture.)

HB 249, relative to the definition of permanently and totally disabled. (Galvin of Merrimack Dist. 26 — To Labor, Human Resources and Rehabilitation.)

HB 250, limiting the period before and after elections during which political posters may be displayed. (Richardson of Coos Dist. 11 — To Judiciary.)

HB 251, providing that the provisions of the constitution of New Hampshire shall establish the age for voters. (Bowles of Rockingham Dist. 27 — To Constitutional Revision.)

HB 252, permitting abortion under certain circumstances. (Zachos of Hillsborough Dist. 27 — For the Joint Committee on Codification of Criminal Laws — To Public Health and Welfare.)

HB 253, exempting the town of Salem from the ten year verification of the checklist in 1971. (Belair of Rockingham Dist. 7 — To Statutory Revision.)

HB 254, providing for an additional exemption on interest and dividends tax at age sixty-two and over. (Glavin of Merrimack Dist. 26 — To Ways and Means.)

HB 255, to increase the discount for resident purchasing season ski tickets. (Tilton of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 256, increasing the membership of the management-employees relations commission. (McDonough of Hillsborough Dist. 32 — To Labor, Human Resources and Rehabilitation.)

HB 257, relative to sick leave for state employees. (McDonald of Merrimack Dist. 25 — To Executive Departments and Administration.)

HB 258, providing for review and updating of planning enabling laws and making an appropriation therefor. (Mallat of Cheshire Dist. 3; Clark of Strafford Dist. 4 — To Executive Departments and Administration.)

HB 259, providing that liquor stores remain closed on all state and federal holidays. (McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Liquor Laws.)

HB 260, requiring insurance companies to pay the cost of physical examinations where the insurer requires them before extending liability coverage. (St. Onge of Hillsborough Dist. 34 — To Banks and Insurance.)

HB 261, increasing the assets an individual may own and still qualify for real estate exemption for those persons over seventy years. (St. Onge of Hillsborough Dist. 34 — To Ways and Means.)

HB 262, providing that only male deer can be taken in each odd year. (Gordon of Merrimack Dist. 9 — To Fish and Game.)

HB 263, to prohibit nonlegislative use of the house and senate chambers. (Gordon of Merrimack Dist. 9 — To Executive Departments and Administration.)

HB 264, providing for qualification of bridge inspectors and making bridge inspection a prerequisite to application for bridge aid. (Bartlett of Merrimack Dist. 10 — To Public Works.)

HB 265, prohibiting the use of motor boats on Mirror Lake in Woodstock. (Higgins of Grafton Dist. 2 — To Environmental Quality and Agriculture.)

HB 266, appropriating funds for land acquisition and first phase facilities at the Merrimack Valley branch of the University of New Hampshire. (Cares of Hillsborough Dist. 24; Raiche of Hillsborough Dist. 34 — To Education.)

HJR 20, providing an appropriation for Old Fort Number Four. (Galbraith of Sullivan Dist. 7; Frizzell of Sullivan Dist. 7 — To Public Works.)

## SENATE MESSAGE

Senate concurrence on

HB 81, to reclassify certain sections of highway in the town of Meredith.

## FURTHER SENATE MESSAGE

### INTRODUCTION OF CACR AND SB

First, second reading & referral

CACR 5, Relating To: Granting the legislature greater flexibility in raising public revenue through the power to tax, and Providing That: Property other than land may be classified by kind, use or amount and such classes taxed differently. — Constitutional Revision.

SB 43, providing that the state geologist need not be a faculty member of a New Hampshire college or university. — Environmental Quality and Agriculture.

### FURTHER SENATE MESSAGE

Senate amendments to

HB 8, making correction in the laws relative to retail businesses.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Memorial and Veterans Day. Amend RSA 578:5-a (supp) as inserted by 1967, 47:1 by striking said section and inserting in place thereof the following: 578:5-a Retail Businesses, Closed on Memorial and Veterans Day. Any retail business that is required to be closed on Sunday under the provisions of this subdivision may not be opened for business on Memorial Day and Veterans Day until twelve noon.

Rep. MacDonald moved concurrence.

Adopted.

### ENROLLED BILLS REPORT

HB 81, to reclassify certain sections of highway in the town of Meredith.

Roxie A. Forbes  
For the Committee

### COMMITTEE REPORTS

#### CACR 3

Relating To: Authorization by the Legislature of the Issuance or Guarantee of any Bonds or Notes which are Backed by the State's Credit. Providing That: A Two-thirds Vote of the Membership of Both Houses of the Legislature is Necessary to Pass an Act Relating to the Issuance or Guaranteeing of Bonds or Notes Backed by State Credit. Inexpedient to legislate. Rep. Higgins for Constitutional Revision.

CACR proposes a constitutional amendment that two-thirds vote of the membership of both houses is necessary to pass an act relating to the issuance or guaranteeing of bonds or notes by state credit.

Proposed amendment requiring two-thirds vote of membership of both houses considered impractical plus the committee feels that rules of this kind are legislative in nature and should not be in the Constitution.

Rep. Belcourt spoke in favor of the committee report.

Resolution adopted.

**HB 108**

authorizing the fish and game director to make rules and regulations relating to possession and transportation of marine species of fish and to penalties for violations thereof. Inexpedient to legislate. Rep. Maynard for Fish and Game.

Covered by present laws of Fish and Game Department RSA 211:37 and RSA 211:41.

Resolution adopted.

**HB 3**

establishing a hearing board to review and make recommendations to the legislature regarding claims against the state. Inexpedient to legislate. Rep. Palmer for Judiciary.

Would create new commission to advise legislators on claims made against the state. Committee recommends that the committee on claims utilize Attorney General's office when necessary rather than incur additional expense.

Resolution adopted.

**HB 76**

relative to students civil rights. Inexpedient to legislate. Rep. Zachos for Judiciary.

Subject matter covered by pending legislation.

Resolution adopted.

**HB 93**

relative to notice of foreclosure sales. Inexpedient to legislate. Rep. Griffin for Judiciary.

Would be used in only 10% of foreclosures; present law is consistent with probate practice; proposed language introduced elements of uncertainty.

Resolution adopted.

**HB 47**

relative to traffic surveys and truck weight surveys. Ought to pass with amendment. Rep. Coburn for Public Works.

Gives the Highway Department legal authorization to conduct traffic surveys which they now do by regulation only. Amendment changes the section actually amended to its proper position in the RSA.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Power of Commissioner of Public Works and Highways. Amend RSA 229 by inserting after section 6 the following new section: 229:6-a Traffic and Weight Surveys. The commissioner may conduct traffic survey interviews, truck weight surveys and such other statistical studies as he deems necessary on Class I, II and III highways for the department's use in the planning and development of the state-wide highway system.

At the request of Rep. Lambert, Rep. Trowbridge explained the bill.

Amendment adopted.

Ordered to third reading.

**HJR 2**

appropriating funds for the demolition of the old post office building for the preparation of plans for the construction of an office building on the site. Laid on the table. Rep. Hackler for Public Works.

The Committee is waiting for a report from the Legislative Space Committee and rather than ask for an extension, it appears better to lay the Resolution on the table until the problem of state office space etc. is resolved.

**PARLIAMENTARY INQUIRY**

Reps. Elmer Johnson, Lawton, Wilfrid Boisvert, Levy and Healy rose on a point of parliamentary inquiry.

Rep. Trowbridge explained the committee report.

Rep. George Roberts spoke in favor of the resolution.

Resolution adopted.

Rep. Elmer Johnson requested 2 days notice in the House Calendar before HJR 2 be taken from the table.

**HB 39**

controlling and limiting the use of fertilizers, the sale and use of certain soaps and detergents, and the construction and cleaning of private septic tanks and other sewage disposal systems. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Page 2, 149-G:3 Covered by pending legislation.

Page 2, 149-G:4 Does not allow for possible precautions within the fixed limits set.

Page 2, 149-G:5 Does not allow for varied soil conditions.

Page 2, 149-G:6 Does not allow for varied performance of existing tanks, and full dissipation of septic tank effluents by absorption.

Rep. Claflin explained the committee report.

Rep. Andrews moved that HB 39 be laid on the table.

Motion lost.

Resolution adopted.

**HB 40**

relative to the control of algae and other aquatic nuisances and providing a bond issue therefor. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Controls algae and funds the program.

At the request of Rep. Trowbridge, Rep. Claflin yielded to Rep. Urie to answer questions.

(discussion)

Referred to Appropriations.

**HB 96**

legalizing the special town meeting in Jaffrey, November 3, 1970. Ought to pass. Rep. Humphreys for Statutory Revision.

A housekeeping bill for the town of Jaffrey.

Ordered to third reading.

**HB 100**

relative to enacting the uniform state feed bill and repeal-

ing the commercial feed law. Ought to pass. Rep. Altman for Statutory Revision.

This legislation updates the feed law particularly in relation to labeling procedures. Supported by both grain dealers and Agriculture Department.

Ordered to third reading.

#### **HB 128**

reducing the fee for recounts relative to election to certain offices. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

The Committee felt that this bill was not necessary and would only create a greater work load for the Secretary of State's office.

Resolution adopted.

#### **HB 129**

prohibiting minors from soliciting food. Inexpedient to legislate. Rep. Forcier for Statutory Revision.

This legislation would have far reaching effects on many areas such as 4-H club food sales, etc.

The Committee felt that towns and cities now regulate Halloween activities and should in the future.

Resolution adopted.

#### **HB 80**

to reduce the percentage of alcohol in the blood constituting prima facie evidence of intoxication. Ought to pass. Rep. Hamel for Transportation.

Reduces the percentage from .015 to .010 and otherwise makes no change in the present law. Now used in half the states. A great deal of evidence was presented to prove the need for the change.

Rep. Coutermarsh spoke in favor of the committee report.

Ordered to third reading.

Reps. George Roberts and Trowbridge wished to be recorded as voting in favor of HB 80.

**HB 140**

relative to the use of emergency lights and sirens on motor vehicles. Inexpedient to legislate. Rep. Hamel for Transportation.

Law as it stands now is adequate and necessity for a change was not shown.

Resolution adopted.

Rep. Bowles requested an extension of 6 legislative days on HB 18, relative to preparation of budget for UNH.

Granted.

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Rep. Junkins moved that the Rules of the House be so far suspended as to discharge the Exeter Delegation from any further action on HB 191, to amend the proposed charter of the city of Exeter to provide that five selectmen shall serve as councilmen at large, and to take it up at the present time.

Rep. Junkins explained his motion.

Adopted by the necessary two-thirds vote.

**HB 191**

Rep. Junkins moved that HB 191 be reported as ought to pass with amendment.

**AMENDMENT**

Amend section 1 of the bill by striking out said section and inserting in place thereof the following new section:

1 Proposed Charter of the City of Exeter. Amend paragraph 74 II of chapter 229 of the laws of 1965 by striking out said paragraph and inserting in place thereof the following new paragraph: II. Notwithstanding any provisions of section 4 of this charter to the contrary, the board of selectmen of the town of Exeter shall serve as councilmen at large until the councilmen at large are elected and qualified at the first regular municipal election held as provided in section 5 of this charter.

The Clerk read the amendment in full.

Rep. Junkins further explained his motion.

Amendment adopted.

Ordered to third reading.

Rep. Shirley Clark moved that the order whereby HB 231, requiring that the articles of agreement of voluntary corporations and associations provide for the disposition of the assets of such corporations upon their dissolution was referred to the committee on Executive Departments & Administration be vacated and referred to the committee on Judiciary.

Adopted.

On motion of Rep. Trowbridge, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Adopted.

#### LATE SESSION

Third reading and passage by House

HB 47, relative to traffic surveys and truck weight surveys.

HB 96, legalizing the special town meeting in Jaffrey, November 3, 1970.

HB 100, relative to enacting the uniform state feed bill and repealing the commercial feed law.

#### RECONSIDERATION

Rep. Knight, having voted with the majority, moved that the House reconsider its action whereby it killed HB 39, controlling and limiting the use of fertilizers, the sale and use of certain soaps and detergents, and the construction and cleaning of private septic tanks and other sewage disposal systems, and spoke against the motion.

Motion lost.

#### THIRD READINGS CONTINUED

HB 80, to reduce the percentage of alcohol in the blood constituting prima facie evidence of intoxication.

HB 191, to amend the proposed charter of the city of Exeter to provide that five selectmen shall serve as councilmen at large.

The Speaker designated Wednesday, February 17th as a consent calendar day.

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The following seat changes have been made:

Rep. George White, Sr. 4—52

Rep. Robert Varrill, 4—54

Rep. Doris Lynch, 4—10

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Rep. Townsend offered the following resolutions:

### RESOLUTION

*Whereas*, this week has been celebrated as Vocational Technical Education week in New Hampshire, therefore be it

*Resolved*, that the House Committee on Education hereby commends the Division of Vocational Technical Education of the New Hampshire State Department of Education and especially the students involved, for the excellent display this week in the State House Hall of Flags, and be it further

*Resolved*, that a copy of these resolutions be transmitted to the State Department of Education.

Adopted.

Rep Raiche offered the following resolution:

### RESOLUTION

*Whereas*, Rep. Marcel A. Vachon and his wife Rose are celebrating their twenty-ninth wedding anniversary on February 14th, therefore be it

*Resolved*, that we the members of the House of Representatives in General Court convened, extend our heartiest congratulations to Mr. & Mrs. Vachon, and be it further

*Resolved*, that a copy of these resolutions be transmitted to them.

Adopted.

REPORT TO THE GENERAL COURT  
by the  
WORKMEN'S COMPENSATION COMMITTEE  
TO STUDY IMPROVEMENTS TO THE  
WORKMEN'S COMPENSATION LAW

Hon. Marshall W. Cobleigh, Speaker  
House of Representatives

The Committee consists of the following membership appointed by the Labor Commissioner as provided by New Hampshire Laws, Chapter 423: five members representing the General Court; three members representing management; three members representing labor; and two members representing the insurance industry.

The Committee conducted six meetings involving a considerable number of hours of discussion and an additional amount of time researching the topics discussed.

As a result of its deliberations, the Committee recommends to the General Court the following action on various subjects for their favorable consideration through means of a workmen's compensation bill to be introduced by Senator Laurier Lamontagne of the General Court.

*Administrative Changes in Workmen's Compensation Law.* The Committee favors a number of administrative changes to be made in the Law to provide for improved administration toward more prompt payment of benefits to injured workers.

*Administration Fund.* It is hereby recommended by the Committee the creation of an Administration Fund under the provisions of the Workmen's Compensation Law to provide financial assistance to improving administration of workmen's compensation and to provide essential manpower and related assistance in administering occupational health and safety at the state level in conjunction with recently enacted federal legislation dealing with this subject matter. Financial assistance is, also, recommended to develop statistical information needed to properly administer these statutes.

*Expanded Coverage of Workmen's Compensation.* The Committee recommends to the General Court additional ex-

pansion of compulsory coverage of workmen's compensation to employees exempted under the present law.

*Double Compensation Payments.* Under existing law, where an injury occurs to an employee and the employer is found to be in violation of the Youth Employment Law on hours of labor for women or minors, the employer is liable for payment of compensation equal to payments to be made by his insurance carrier.

The Committee recommends expansion of the double payment provisions to employers who willfully violate a safety standard after intervention by the Labor Department for correction of same. Similarly, the existing law should be modified penalizing those employers when violations pertain only to those issues where youths are illegally employed in a hazardous occupation, only.

*Dependency Allowances in Addition to Weekly Benefits.* Much discussion was had by the Committee members as to the merits of adding dependency allowances to the Workmen's Compensation Law. Unfortunately, no unanimous agreement could be reached by the Committee members. Therefore, the Committee recommends that the General Court seriously consider this issue on the basis of evidence to be submitted to them.

In view of this report not being conclusive regarding all subjects brought before it with the intent to improve upon the Workmen's Compensation Law, it is hoped that light has been shed upon some issues that would give guidance to the General Court for their favorable action to these and other subjects to be incorporated in a workmen's compensation bill during this legislative session.

Respectfully submitted,

Robert M. Duvall, Chairman

Laurier Lamontagne, Senator, District No. 1

James Koromilas, Senator, District No. 21

George W. Angus, Representative, District No. 4

Shirley K. Merrill, Representative, District No. 13

C. Edwin Howard, Representative, District No. 26

William Kuslaka, representing management

George McNeff, representing management

Ira B. Rogers, Jr., representing management

William Brideau, representing labor  
Joseph Moriarty, representing labor  
Thomas J. Pitarys, representing labor  
Walter Hinkley, Esq., representing insurance industry  
Irving Soden, Esq., representing insurance industry

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On motion of Rep. Bernard the House adjourned at 12:33 p.m.

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## *Tuesday, 16Feb71*

The House met at 11:00 o'clock.

Prayer was offered by guest Chaplain Rev. R. Theodore Ball from the Piermont Congregational Church.

We hold our office, our Father, as representatives of the people of New Hampshire. Ours is an awesome responsibility, and we pray for wisdom and integrity in the task of determining the laws that shall best serve our people.

We thank thee for thy wisdom which has manifested itself throughout the ages. May thy righteous concern for mankind find response in our hearts this week, as we labor at our tasks.

Bear with us in our moments of uncertainty, and strengthen our wills against the temptations that pull at us from every side. Let us remember at all times that we are trusted servants of the people of our great State. Amen.

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Rep. Forbes led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Warren and Hardy, indefinite, illness.

Reps. Tarr and Maglaras, the week, important business.

Rep. Coughlin, today and tomorrow, important business.

Rep. Hood, the day, important business.

Rep. Moran, next week and March 2, important business.

Rep. Towle, two weeks, important business.

Rep. Senter, indefinite, illness in the family.

## RESOLUTION

Rep. O'Neil offered the following resolution:

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 267 through 284 and House Joint Resolutions numbered 21 through 24 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS AND HJR's

First, second reading & referral

HB 267, to provide for substitute ex officio members for the director of fish and game on certain boards. (Noble of Merrimack Dist. 27 — To Fish and Game.)

HB 268, relative to unauthorized insurance. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 269, prohibiting the mining of sand and gravel in the inland and tidal waters of the state. (Fiske of Rockingham Dist. 19 — To Environmental Quality and Agriculture.)

HB 270, providing a penalty for failure to comply with requirements for construction and inspection of public buildings. (Mann of Hillsborough Dist. 7 — To Public Works.)

HB 271, to increase the salaries of the Coos county attorney and the Coos county commissioners. (Fortier of Coos Dist. 6; Noyes of Coos Dist. 1 — To Coos Delegation.)

HB 272, requiring fishways to be built on certain dams. (Noble of Merrimack Dist. 27 — To Fish and Game.)

HB 273, relative to the power of Pierce College for Women to grant degrees. (Monier of Hillsborough Dist. 4 — To Education.)

HB 274, providing for certain transfers in the appropriations for fiscal year 1971 for the division of vocational rehabilitation. (Roberts of Belknap Dist. 6; Raiche of Hillsborough Dist. 34 — To Appropriations.)

HB 275, authorizing towns to make by-laws relating to hazardous pits. (Heald of Hillsborough Dist. 10; Daloz of Hillsborough Dist. 6; Poehlman of Hillsborough Dist. 4 — To Municipal and County Government.)

HB 276, relating to conservation officers of the fish and game department. (Maynard of Rockingham Dist. 24 — To Fish and Game.)

HB 277, relative to the power of New England Aeronautical Institute to grant degrees. (Davidson of Hillsborough Dist. 21; Bouchard of Hillsborough Dist. 14 — To Education.)

HB 278, relating to milk producer permits. (Noyes of Coos Dist. 1 — To Environmental Quality and Agriculture.)

HB 279, prohibiting candidates for office, other than the offices of an election official, from working within a polling place. (Spirou of Hillsborough Dist. 31; Davidson of Hillsborough Dist. 21 — To Statutory Revision.)

HB 280, restoring meals and room tax to one dollar minimum. (Wilson of Merrimack Dist. 25 — To Ways and Means.)

HB 281, to provide a fee for salt water fishing licenses. (Junkins of Rockingham Dist. 16 — To Fish and Game.)

HB 282, imposing a bounty on fisher cats. (Gordon of Merrimack Dist. 9 — To Fish and Game.)

HB 283, clarifying the authority of school boards in managing school affairs. (Gordon of Merrimack Dist. 9 — To Education.)

HB 284, providing that one half of the membership of any public school building committee shall be chosen by the selectmen of the school district. (Gordon of Merrimack Dist. 9 — To Education.)

HJR 21, in favor of William J. Wilson of Canterbury. (Kopperl of Merrimack Dist. 12 — To Claims, Military and Veterans Affairs.)

HJR 22, providing an additional appropriation for the Merrimack Valley branch of the University of New Hampshire. (Cares of Hillsborough Dist. 24; Raiche of Hillsborough Dist. 34 — To Education.)

HJR 23, establishing a committee to study the problem of excessive noise levels and to recommend legislation pertaining thereto. (Howard of Merrimack Dist. 26 — To Environmental Quality and Agriculture.)

HJR 24, appropriating funds to the town of Canaan in lieu of taxes on Goose Pond. (Altman of Grafton Dist. 14 — To Municipal and County Government.)

### COMMITTEE REPORTS

#### HB 132

providing for unemployment compensation dependency payments. Referred to Labor Management Council. Rep. Merrill for Labor, Human Resources & Rehabilitation.

Referred for further study by Labor Management Council to report back to Labor Committee with recommendation on or before March 11, 1971.

Resolution adopted.

#### HB 112

to provide for the perambulation of the New Hampshire and Massachusetts boundary line and an appropriation therefor and an appropriation to conduct the perambulation of the New Hampshire and Maine boundary. Ought to pass. Rep. Cummings for Public Works.

This should be done every seven years and it has not been done since 1952 for Massachusetts-New Hampshire line. If Massachusetts does not appropriate a like amount the money will go back in the General Fund.

Referred to Appropriations.

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Rep. Greene requested a six day extension on HB 63, requiring the sale of soft drinks and alcoholic malt beverages in returnable containers.

Granted.

### RECONSIDERATION

Rep. Enright announced that today or some subsequent day he would ask for reconsideration on HB 8, making correction in the laws relative to retail business.

The Speaker directed the clerk to retrieve HB 8 from the Secretary of State.

Rep. Merrill moved that the order whereby HB 256, increasing the membership of the management-employees relations committee, was referred to the committee on Labor be vacated and referred to the committee on Executive Departments & Administration.

Adopted.

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Rep. Hanson moved that the order whereby HB 271, to increase the salaries of the Coos county attorney and the Coos county commissioners, was referred to the Coos County Delegation be vacated and referred to the committee on Municipal and County Government.

Adopted.

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILL

First, second reading & referral

SB 36, relative to voting on zoning ordinance amendments at special town meetings. — To Municipal and County Government.

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Rep. Sayer moved that the hearing on HB 241, amending the business profits tax and changing the dates for return of revenue to cities and towns, be recessed upon its completion this afternoon and continued for one week until 10:00 a.m. Tuesday next.

Rep. James O'Neil spoke against the motion.

(discussion)

Rep. Sayer withdrew his motion.

## UNANIMOUS CONSENT

Rep. Lawton addressed the House by unanimous consent.

Rep. Coutermarsh moved that Rep. Lawton's remarks be printed in the Journal.

Adopted.

## REP. LAWTON'S REMARKS

On January 19, our Speaker, Marshall Cobleigh, presented his program for the State of New Hampshire. Last Thursday we were given the program of the administration, that of Governor Peterson and Stuart Lamprey.

I have asked for the opportunity to address the House today because I believe that these programs are taking us down the wrong road, and because I am convinced that there are alternatives which will better meet the needs of the people of this state. I hope to show you what is wrong with the program which the leadership is asking us to enact, and to present these alternatives.

In considering their present proposals, we cannot forget, as I can assure you our constituents have not forgotten, that these proposals are coming from the same group which gave us the Business Profits Tax. Most of you will remember how this ill-conceived measure was rammed through the house at last year's Special Session. Even though it was clearly brought out at the public hearing and in the debate that this was a poorly drawn bill which would replace an easily collected local tax with an administrative monstrosity, it was passed anyway at the insistence of the Governor, and Speaker Cobleigh. Under its present leadership our state has been dragged into a fiscal mess, and it is our responsibility to straighten it out.

One thing which you can be sure of is that adding the Business Payroll Tax which the Governor proposes this year to the Business Profits Tax which he gave us last year is not going to do it. In my opinion, the idea of slapping on this kind of a tax at a time of business recession and high unemployment is just incredible.

The Speaker has stated, and I agree, that we are faced with opportunities as well as problems, and that now is the time for positive action. But, before we go any further, let's stop and take a look at what he and the Administration would have us do.

The Speaker has stated that he believes in a large, citizen legislature but he wants to cut the size of the House by 150. Now I don't think that there is any magic in the number 400 or in 250 either. On the other hand, with our population growing every year, each of us is representing more people. I would

agree to an increase in the number of senators and I also feel that there is more justification for increasing the size of the House than for cutting it.

The Speaker has a number of other proposals for improving what he sees as "efficiency" in the House. He would have us believe that the failure of the Business Profits Tax, for example, is due to a lack of staff assistants in his office, and he proposes that we spend more money to solve his problems. The total expenditure for the legislative branch of our government has risen from \$400,000 in 1965 to \$1,366,000 this year. This is over three times as much. Should we ask the taxpayers to give us even more?

Taken as a whole, the Speaker's proposals for modernizing this House can have only one result. We would have a smaller legislature of full time politicians, run by the leadership with an iron hand and responsive to the will of special interest pressure groups rather than that of the people. The kind of government which would evolve would be quite familiar to residents of Massachusetts, but it would indeed be a new look for New Hampshire.

Most of us are convinced that we should have a pay raise, but the voters have rejected one gimmick after another, and properly so in my opinion. I propose that we provide for a simple question on the 1972 ballot, "Shall the compensation of members of the Legislature be raised to \$600 per biennium." If we ask the voters for a raise in a way which they can understand, I think that they will give it to us.

The proposal to set up a hand-picked "study committee" to gerrymander our county lines is one of the most audacious power grabs in New Hampshire history! The difference in population causes no problems that I know of. The state suffers from no rotten borough system. Our people are fairly represented in both Houses wherever they may live. Our historic county lines enclose much more than a given number of people; they represent to those who live within their boundaries a community of interests, a common history, and a differing life style which mean far more to their inhabitants than the doubtful benefits of a super government on a regional level.

In the Governor's address the Task Force proposal for a State Housing Authority is once again brought forth. About

the last thing that New Hampshire needs is a big new housing authority run by the state. This measure was very wisely killed in the Special Session and I hope will quickly meet the same fate this year.

In the programs of the Governor and the Speaker, recognition is given to the value of local government to the people of New Hampshire, and much is made of the wish to help our cities and towns. However, the effect of their proposals is just the opposite. State money means state control, and in instance after instance these programs provide for transferring more and more power to the state government at the expense of our local communities.

A favorite device of this administration is the study. Therefore it is not surprising that, not satisfied with the expensive Citizens Task Force, they are advocating a host of new studies. In their programs we find a business management study, a study of hospital costs which would merely duplicate a number already done and in progress by the federal government, a proposal to bring in "experts" from Harvard to tell us how to run the state, etc., etc., etc. Haven't we had enough studies already in the past two years to last us for a while?

The Governor pointed out in his address that a major factor in his tremendously increased budget is in the appropriation for the Division of Welfare. We are told that this money is required to help our unfortunate citizens who are in need. I wonder how many of us have even taken the trouble to look into where all this money which is appropriated for welfare really goes.

The N. H. Division of Welfare operates three major programs which provide financial assistance to older citizens and the disabled. These are Old Age Assistance, Aid to the Permanently and Totally Disabled, and Aid to the Needy Blind. While the net appropriation for Welfare has risen from 3 million in fiscal 1964 to 8.5 million this year, the amount appropriated for these three programs has remained practically the same.

If the needy are not getting all this money then where is it going? It is going into the costs of administration; into the hiring of new employees who are in most cases not only un-

necessary but also detrimental to its operations. Morale in this agency is now at its lowest point in many years, as loyal employees strive to fight their way through a mass of red tape in the effort to help those who are really in need.

Far from taking any steps to correct this situation, the Governor is asking that we raise their appropriation for the coming biennium by 55%, from \$16,000,000 to \$25,000,000.

All of this would of course be financed by the broad based tax. The broad based tax, that magic formula, that wonderful panacea which will solve all of our problems.

Ladies and gentlemen, all of our sister states already have the broad based tax and many of them, as the Governor has admitted, are in a worse fiscal situation than we are. Our leaders would now take us down the same road!

We are told that the 3% income tax now proposed is at a low rate. Does anyone think that once this broad-based foot is in the door that our taxpayer-spenders will be appeased? Not on your life! You can rest assured that the next move will be to put in a sales tax and then to raise their rates from year to year in a whipsaw action whose victim is the taxpayer.

In the face of all of the evidence from every other state to the contrary, the proponents of broad based taxation in New Hampshire are still trying to tell us that such a tax will reduce property taxes. This is just not so.

I agree with the Speaker that our state government needs a new look, but the Administration program offers nothing but more of the same tired, old, discredited schemes which are responsible for most of the present problems of our society. Instead of continuing to sink further and further into this morass, I propose that we adopt the following measures, which I believe constitute a positive program to meet the needs and the wishes of the people of New Hampshire:

1. We must recognize that our people cannot afford and are not willing to pay any more taxes.

2. We must correct the mistake which was made at the Special Session by repealing the Business Profits Tax and reimposing the Stock in Trade and Machinery Taxes, which will once again allow our cities and towns to collect the money they need themselves without throwing the state budget out of balance.

3. We must balance the state budget within present sources of revenue, at the same time allowing a reasonable margin for error by setting up a budget which allows for a surplus rather than a deficit.

4. We must call a halt to departmental empire-building.

5. We must be clear as to what our priorities are, and recognizing that the state cannot do everything which might be desirable, hold all increases in spending down to the increase in revenue which we enjoy in a growing state.

6. We must deal with the present Business Profits Tax deficit, which has been temporarily covered by bonding. I propose that we set up state run gambling casinos, a measure which I find to be favored by a large majority of our citizens. I feel that this program, under proper controls, would help our recreation industry, and would bring in more than enough revenue to bail us out of our present crisis.

7. We must, as President Nixon advocated in his State of the Union message, take steps to stop the centralization of power at higher levels of government and keep control of their own affairs as close to the people as possible.

Finally, we must get away from the Special Session mentality which equates the passage of a volume of legislation, whether it is good, bad or indifferent, with good government.

How ironic it is that at a time when other states, like California, are calling a halt to the taxer-spenders and moving toward responsible government, our governor should be proposing a program which would move us backward into the kind of a mess which we can see so clearly in states like Massachusetts and New York.

And so in the end, I agree with the Speaker that we must indeed take the responsibility for what we leave here. By adopting the Administration program we can leave a government which burdens the people with ever increasing taxes and exercises greater and greater control over their daily lives, or by taking a more positive approach, we can assure a more responsive government which imposes no more taxes and leaves the people in control of their own affairs.

I think we know what the people want, but at this time in the history of our state the choice is ours.

## RESOLUTION

On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

## CONSENT CALENDAR DAY

The Speaker announced that tomorrow will be consent calendar day, and February 24th.

## LATE SESSION

On motion of Rep. Vachon the House adjourned at 11:49 a.m.

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*Wednesday, 17Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

O GOD, our Father, hear us, each one, as we present ourselves to Thee in preparation for today's work. We recognize how Thy Providence has given us the privileges of freedom, attended by love — opportunity — and material blessing. Now enable us to exercise these privileges through such responsible action that will intensify justice and promote the welfare of all our "Granite State" citizens. Bless those who are laboring to liberate humanity from the perils of day-to-day living by their devoted and compassionate service. May we, who are associated with the "legislative process" in this "House of Democracy" be a part of this great endeavor. Amen.

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Rep. Greeley led the Pledge of Allegiance.

## SENATE MESSAGE

## INTRODUCTION OF SENATE BILLS AND CACR

First, second reading & referral

SB 31, relative to taking motor vehicle without the owner's consent. — To Judiciary.

SB 35, eliminating certain duties of the secretary of state. — To Executive Departments & Administration.

SB 54, relative to the 1971 appropriation for the division of parks and providing for time and one half pay for overtime work by employees engaged in snow-farming. — To Executive Departments & Administration.

CACR 6, Realting To: Voting Age and Qualification as to Age in Holding Office, and, Providing That: Eighteen Year Olds May Vote But No Person under Twenty-one years of Age may Hold any Elective Office. — To Constitutional Revision.

### RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 1 and 2, and 285 through 299 and Concurrent Resolution Proposing Constitutional Amendment number 11 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 1, to increase the state road maintenance allotment paid to the towns and making an appropriation therefor. (Hanson of Merrimack Dist. 6 — To Public Works.)

HB 2, providing that voting residence is not lost by being in a nursing or convalescent home or hospital. (Brungot of Coos Dist. 8 — To State Institutions.)

HB 285, providing that resident persons who have attained the age of sixty-five shall be charged one-half the adult admission fee for the use of state recreation areas and facilities therein. (Townsend of Sullivan Dist. 1 — To Resources, Recreation and Development.)

HB 286, appropriating additional funds for the women's dormitory at the New Hampshire Technical Institute in Concord. (O'Neil of Cheshire Dist. 12; Trowbridge of Cheshire Dist. 4 — To State Institutions.)

HB 287, permitting the director of welfare to manifest payment of non-federal funds for the work incentive program. (Wilson of Rockingham Dist. 2 — To Labor, Human Resources and Rehabilitation.)

HB 288, relative to the development of services to aid the health and welfare of the citizens of New Hampshire. (Hamel of Rockingham Dist. 17 — To Public Health and Welfare.)

HB 289, authorizing the water resources board to acquire the dam on Pine River Pond in Wakefield, naming said dam the Arthur H. Fox Memorial Dam and making an appropriation therefor. (Hughes of Carroll Dist. 8 — To Public Works.)

HB 290, increasing the minimum fine for littering a public place. (Lynch of Hillsborough Dist. 32 — To Environmental Quality and Agriculture.)

HB 291, relative to the disposition of fines for littering public places. (Lynch of Hillsborough Dist. 32 — To Environmental Quality and Agriculture.)

HB 292, conveying a certain portion of land which was formerly part of Silver Lake in the town of Madison to J. Donald Hayes and Dorothy V. Hayes. (Hayes of Carroll Dist. 3 — To Municipal and County Government.)

HB 293, to reimburse towns and cities for participation in a state-wide refuse disposal program and making an appropriation therefor. (Hanson of Merrimack Dist. 6 — To Environmental Quality and Agriculture.)

HB 294, relating to public disposal facilities. (Hanson of Merrimack Dist. 4 — To Environmental Quality and Agriculture.)

HB 295, providing for the popular election of certain members of the board of trustees of colleges and University of New Hampshire. (Gordon of Merrimack Dist. 9 — To Education.)

HB 296, to raise the daily compensation of members of the Merrimack county convention. (Andrews of Merrimack Dist. 1 — To Special Committee — Merrimack Delegation.)

HB 297, relative to taking deer with single shot muzzle-loading firearms. (Huggins of Coos Dist. 1 — To Fish and Game.)

HB 298, to provide for recording of short form leases. (Raiche of Hillsborough Dist. 34 — To Judiciary.)

HB 299, increasing the expenditure for town road aid and making an appropriation therefor. (Hanson of Merrimack Dist. 6 — To Public Works.)

CACR 11, Relating to: The Incompatibility of Serving as a Member of the General Court While Being Employed by the State or any Governmental Subdivision Thereof. Providing that: No person Shall Sit as a Member of the General Court While He is Employed by the State or any Governmental Subdivision Thereof, if He Receives Total Annual Remuneration of Three Thousand Dollars or More From Such Employment. (Rep. Gordon of Merrimack Dist. 9 — To Constitutional Revision.)

### ENROLLED BILLS REPORT

HB 36, establishing five o'clock as the closing hour for filing in all cases relative to elections.

HB 38, changing the due date for the payment of unclaimed pari-mutuel pool ticket money to the state treasurer.

HB 54, legalizing the special town meeting held in the town of Newbury on May 23, 1970

Roxie A. Forbes  
For the Committee

### COMMITTEE REPORTS CONSENT CALENDAR

#### HB 83

relative to taking wild black bear. Ought to pass. Rep. Hayes for Fish and Game.

No person shall take more than one bear in any one season.

Ordered to third reading.

#### HB 87

relative to the penalty for guiding an unlicensed hunter. Ought to pass. Rep. McQuin for Fish and Game.

Provides fine for any person who guides an unlicensed hunter.

Ordered to third reading.

**HB 111**

prohibiting taking of lobster during the spawning season. Inexpedient to legislate. Rep. Randall for Fish and Game.

This bill would have a disastrous effect on lobster fishermen. Would prohibit the taking of lobster for a twelve year period.

Resolution adopted.

**HB 41**

prohibiting the speaking of obscenities in public. Inexpedient to legislate. Rep. Healy for Judiciary.

Subject matter covered by pending legislation in the proposed revision of the criminal code.

Resolution adopted.

**HB 135**

to reduce the period of limitations for the recovery of real estate. Inexpedient to legislate. Rep. Andrews for Judiciary.

Would shorten period required to establish ownership by adverse possession from twenty years to fifteen years. Insufficient showing of need for change.

Resolution adopted.

**HB 136**

to authorize use of fictitious names in certain proceedings in equity. Ought to pass. Rep. Frizzell for Judiciary.

Provides for same procedure in actions in equity (e.g. injunctions) as is now available in actions at law (e.g. suits for money damage).

Ordered to third reading.

**HJR 11**

to make an additional appropriation for the fiscal year ending June 30, 1971 for counsel fees for indigent defendants. Ought to pass. Rep. Tarr for Judiciary.

Provides appropriation to pay for services that the state is required to provide by constitution.

Withdrawn at the request of Reps. Chandler and Gordon. Will be on tomorrow's calendar.

**HB 168**

providing for the transfer of certain funds from one appropriation to another appropriation in towns and school district operations. Inexpedient to legislate. Rep. Allen for Municipal and County Government.

Would create conflict with laws already on the books.

Resolution adopted.

**HB 123**

increasing the office fees payable to the secretary of state. Inexpedient to legislate. Rep. Burleigh for Statutory Revision.

Covered by other legislation.

Resolution adopted.

**RESOLUTION**

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

**LATE SESSION**

Third readings and passage by House

HB 83, relative to taking wild black bear.

HB 87, relative to the penalty for guiding an unlicensed hunter.

HB 136, to authorize use of fictitious names in certain proceedings in equity.

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The Speaker designated Wednesday, February 24 as Con-sent Calendar Day.

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On motion of Rep. Palfrey the House adjourned at 11:20 a.m.

*Thursday, 18Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY and EVERLIVING GOD, with grateful hearts we thank you for the beauty of this day. Grant to us the high purpose and strong resolve to respond to life with confidence, faith, and trust. Lead us through the valley of shadows and out into the light of a new and better day. Redeem us from all that is unworthy, strengthen us in all that is good, and grant that we may do our part in making truth triumphant. May we have the patience to achieve, the humility to accept the opinions of others gracefully, the wisdom to acknowledge our humility, and the realization that all things work together for good to those who love Thee and sincerely attempt to love and understand each other. Amen.

Rep. Malcolm Stevenson led the Pledge of Allegiance.

#### LEAVE OF ABSENCE

Rep. Hardy, the day, important business.

#### RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 300 through 309 and House Joint Resolution number 25 and Concurrent Resolution Proposing Constitutional Amendment number 12 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 300, providing a fee for minors applying for instruction in safe handling of firearms. (Stimmell of Rockingham Dist. 1 — To Fish and Game.)

HB 301, limiting the hours when snow traveling vehicles transporting firearms may be used during the deer hunting season. (Oswell of Coos Dist. 8 — To Fish and Game.)

HB 302, relative to injury to domestic ducks or fowl by hunters. (Stimmell of Rockingham Dist. 1 — To Fish and Game.)

HB 303, to extend the jurisdiction of police in the apprehension of motor vehicle regulation violators to include semi-public parking lot. (Smith of Rockingham Dist. 7 — To Transportation and Aeronautics.)

HB 304, relative to requirements for obtaining a license for granting small loans. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 305, creating an interim committee to study the New Hampshire retirement system. (Bradley of Grafton Dist. 19 — To Appropriations.)

HB 306, relative to aid granted to former patients of the state mental institution and making an appropriation therefor. (York of Merrimack Dist. 20 — To State Institutions.)

HB 307, to establish community winter resource areas and making an appropriation therefor. (Williamson of Sullivan Dist. 7 — To State Institutions.)

HB 308, to provide forms for voter registration, and make an appropriation therefor. (Murray of Hillsborough Dist. 7; Barker of Cheshire Dist. 17 — To State Institutions.)

HB 309, relative to unemployment compensation. (Angus of Sullivan Dist. 4; Merrill of Grafton Dist. 13 — To Labor, Human Resources and Rehabilitation.)

HJR 25, providing for payment of bobcat bounties and making an appropriation therefor. (Huggins of Coos Dist. 1; Chamberlin of Grafton Dist. 5 — To Fish and Game.)

CACR 12, Relating to: The Highway Fund. Providing that: Certain Revenue Shall Not Be Restricted to Highways. (Haller of Merrimack Dist. 22 — To Constitutional Revision.)

#### SENATE MESSAGE

Rep. Bowles moved nonconcurrence and requests a committee of conference on HB 6, 43 and 99.

Adopted.

HB 6, relative to the power of Hesser College to grant degrees.

HB 43, relative to the power of White Pines College to grant degrees.

HB 99, relative to the power of McIntosh College, Inc. to grant degrees.

The Speaker appointed Reps. Bowles, Greene and Lemieux as conferees on the part of the House.

### COMMITTEE REPORTS

#### HJR 4

in favor of the New Hampshire Veterans Association. Majority: Inexpedient to legislate, Rep. Hood; Minority: Ought to pass. Reps. Armand Duhaime & Greenwood for Claims, Military and Veterans Affairs.

Majority feels that the property should be self-supporting. Minority feels that the bill should go to the Appropriations Committee.

Rep. Greenwood moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Cleon Heald and Vachon spoke in favor of the motion.

(discussion)

Reps. Barker and Varrill spoke against the motion.

Rep. Michels moved that HJR 4 be indefinitely postponed and spoke in favor of the motion.

Rep. Elmer Johnson spoke against the motion.

On a vv the Speaker was in doubt and requested a division.

134 members having voted in the affirmative, and 159 in the negative, the motion failed.

The question now being on motion to substitute ought to pass for the committee report, inexpedient to legislate.

On a vv the Speaker was in doubt and requested a division.

## PARLIAMENTARY INQUIRY

Rep. Malcolm Stevenson rose on a point of parliamentary inquiry.

140 members having voted in the affirmative, and 145 in the negative, the motion failed.

The question now being on the committee resolution inexpedient to legislate.

Resolution adopted.

**HJR 8**

relative to retirement credit for Herbert R. Hagstrom. Majority: Inexpedient to legislate, Rep. Hood; Minority: Ought to pass, Reps. Armand Duhaime & Greenwood for Claims, Military and Veterans Affairs.

Majority of committee feels that no bills of this nature should be considered.

Minority of committee feels it ought to pass.

Rep. Greenwood moved that the words, ought to pass, be substituted for the majority report, inexpedient to legislate, and spoke in favor of the motion.

## ANNOUNCEMENT

The Speaker announced the birthdays of Reps. Malcolm Stevenson & Raiche.

(Rep. Raiche in the Chair)

Reps. Cournoyer and Soule spoke against the motion.

(discussion)

Reps. Bowles, Weeks, Maynard and Levy spoke in favor of the motion.

Rep. Cournoyer requested a division.

169 members having voted in the affirmative, and 76 in the negative, the motion carried.

Ordered to third reading.

**HJR 16**

transferring certain accumulated income to the special teacher competence fund. Ought to pass. Rep. Abbott for Education.

Allows existing funds (no longer used because Teachers Institutes discontinued) for in-service training programs. Referred to Appropriations.

**HJR 6**

making an appropriation for state aid for regional planning. Ought to pass. Rep. Greene for Environmental Quality and Agriculture.

The resolution provides seed monies to encourage the development and effectiveness of the regional commissions.

Referred to Appropriations.

**HB 167**

requiring members of the state tax commission to be elected biennially. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Subject covered by pending legislation.

At the request of Rep. Richard Bradley, Rep. Shirley Clark answered questions.

Rep. Richard Bradley moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion, and subsequently withdrew his motion.

Resolution adopted.

**HB 49**

relative to the unauthorized removal of national or state flags while they are on display. Ought to pass with amendment.

Rep. Halvorson for Judiciary.

Prohibits unauthorized person from lowering or removing flag without consent of owner or authorized person.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

I Amend RSA 573 by inserting after section 4 the following new section: 573:4-a Unauthorized Removal of Flag. No person shall willfully and maliciously lower, or remove from its staff or place of display or exhibit, any such flag, standard, color or ensign, without the consent of the owner, or his agent, or other person having lawful authority concerning the lowering or removal thereof.

Amendment adopted.

Ordered to third reading.

### **HB 75**

to prohibit inciting to violence. Inexpedient to legislate. Rep. David Bradley for Judiciary.

Present laws and proposed revision of criminal code provide adequate constitutional methods for dealing with problems.

At the request of Rep. Malcolm Stevenson, Rep. Zachos answered questions.

(discussion)

Resolution adopted.

### **HJR 11**

to make an additional appropriation for the fiscal year ending June 30, 1971 for counsel fees for indigent defendants. Ought to pass. Rep. Tarr for Judiciary.

Provides appropriation to pay for services that the state is required to provide by constitution.

Referred to Appropriations.

### **HB 82**

relative to the expenditure of funds in urban renewal programs. Inexpedient to legislate as amended. Rep. Hanson for Municipal and County Government.

Rep. Merrill moved that HB 82 be made a special order for 11:01 Thursday next and spoke in favor of the motion.

(discussion)

Reps. George Roberts and Hanson spoke in favor of the motion.

Adopted.

**HB 146**

relative to service roads constructed by the state in conjunction with limited access facilities. Ought to pass. Rep. Spollett for Public Works.

Adds Class VI highway to the existing law so that certain service roads do not have to be constructed to Class V standards.

Withdrawn by committee.

**HB 16**

permitting charitable organizations to hold raffles. Ought to pass with amendment. Rep. Murray for Statutory Revision.

Purpose of proposed legislation to permit certain organizations to conduct raffles to assist in achieving goals for which they were organized.

**AMENDMENT**

Amend 287-A:3 as inserted by section 1 of the bill by adding at the end thereof the words (and the amount of the donation) so that said paragraph as amended shall read as follows:

287-A:3 Printed Tickets. All raffle tickets shall be printed with the name of the charitable organization thereon, the date and place of the drawing, and the prize or prizes to be awarded and the amount of the donation.

Amend 287-A:4 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following new section:

287-A:4 Distribution of Tickets. Raffle tickets shall be sold only to persons sixteen years of age or over and no raffle tickets shall be sold by persons other than the members of the charitable organization or such person or persons, as may be designated by the organization, and who shall receive no financial remuneration.

Amend chapter 287-A as inserted by section 1 of the bill by inserting at the end thereof the following new section:

287-A:7 Permit required. Any charitable organization desiring to conduct a raffle under the provisions of this chapter shall first obtain a permit therefor from the selectmen of the town, or the mayor and aldermen of the city where the drawing

for prizes is to be held. The permit shall expire at the time of the drawing, and shall not be transferable.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following new section:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

### **HB 137**

relative to absentee voting by members of armed services. Ought to pass. Rep. MacDonald for Statutory Revision.

This bill legalizes the current practice of allowing servicemen's absentee ballots to be returned directly to the town or city clerk.

Ordered to third reading.

### **HB 141**

providing that only ten thousand dollars of the assessed value of church parsonages shall be exempt from taxation. Inexpedient to legislate. Rep. Leavitt for Ways and Means.

Public policy in New Hampshire does not call for the taxing of church property as the solution to the fiscal problem of cities and towns.

Rep. Miner moved that HB 141 be referred to Legislative Study Committee and spoke in favor of the motion.

Rep. Reddy spoke against the motion.

(discussion)

Motion failed.

Resolution adopted.

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The Speaker announced that notice of reconsideration filed by Rep. Enright, Tuesday, Feb. 16th on HB 8, making correction in the laws relative to retail business, expires today.

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Rep. Claflin moved that the order whereby HB 210, relative to establishing a state housing authority and a state housing finance agency and making an appropriation therefore, was referred to Executive Departments and Administration be vacated and referred to Resources, Recreation and Development.

Adopted.

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Rep. MacDonald moved that the order whereby HB 221, concerning the filing of rules by administrative agencies, was referred to Statutory Revision be vacated and referred to Executive Departments and Administration.

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Adopted.

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Rep. Claflin moved that the order whereby HB 248, establishing an interim commission to study flood plains, was referred to Environmental Quality and Agriculture be vacated and referred to Resources, Recreation and Development.

Adopted.

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Rep. Dunham moved that the order whereby HB 266, appropriating funds for land acquisition and first phase facilities at the Merrimack Valley branch of the University of New Hampshire, was referred to Education be vacated and referred to Public Works.

Adopted.

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Rep. Claflin moved that the order whereby HB 265, prohibiting the use of motor boats on Mirror Lake in Woodstock, was referred to Environmental Quality and Agriculture be vacated and referred to Resources, Recreation and Development.

Adopted.

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Rep. Claflin moved that the order whereby HB 269, prohibiting the mining of sand and gravel in the inland and tidal waters of the state, was referred to Environmental Quality and Agriculture be vacated and referred to Resources, Recreation and Development.

Adopted.

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Rep Claffin moved that the order whereby HB 275, authorizing towns to make by-laws relating to hazardous pits, was referred to Municipal and County Government be vacated and referred to Resources, Recreation and Development.

Adopted.

At the request of Rep. Merrill, Rep. Bowles answered questions on HB 6, 43 and 99.

### RECONSIDERATION

Rep. Merrill, having voted with the majority, moved that the House reconsider its action whereby it nonconcurrent in the Senate amendments to HBs 6, 43 and 99 and spoke in favor of the motion.

Rep. Malcolm Stevenson spoke in favor of the motion.

Reps. Bowles and Frizzell spoke against the motion.

(discussion)

Rep. Merrill withdrew her motion.

On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and that when the House adjourns today it be to meet at 11:00 o'clock Tuesday next.

Adopted.

### LATE SESSION

Third readings and passage by House

HJR 8, relative to retirement credit for Herbert R. Hagstrom.

HB 49, relative to the unauthorized removal of national or state flags while they are on display.

HB 137, relative to absentee voting by members of armed services.

Rep. George Roberts wished to be recorded as voting in favor of HB 49 and HB 137.

HB 16, permitting charitable organizations to hold raffles.

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### RECONSIDERATION

Rep. MacDonald, having voted with the majority, moved that the House reconsider its action whereby it passed HB 16, and spoke against the motion.

Motion lost.

### SENATE MESSAGE

Senate concurrence on

HB 191, to amend the proposed charter of the city of Exeter to provide that five selectmen shall serve as councilmen at large.

### ENROLLED BILLS REPORT

HB 191, to amend the proposed charter of the city of Exeter to provide that five selectmen shall serve as councilmen at large.

Roxie A. Forbes  
For the Committee

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Next Wednesday will be a Consent Calendar Day.

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On motion of Rep. James O'Neil the House adjourned at 1: 57 p.m. in honor of the birthdays of Reps. Malcolm Stevenson and Raiche.

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*Tuesday, 23Feb71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD, we thank Thee for our country, for Washington her father, and for Lincoln who steered her safely through inner conflict and strife. Grant that while the earth remaineth so great a heritage shall never fade. We are grateful

that in every time of peril Thou hast raised up leaders of foresight and consecration. Continue to provide for us in this manner, make us worthy of the pioneers who braved the ever-new frontiers, and let not courage or righteousness pass from us. Watch over our "Granite State," her citizens and those given authority over her many areas of responsibility, and lead us in wisdom and truth. Amen.

Rep. Simard led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Webster, Vey, Ernest Clark, Cheney, Randall, Morrison and Hardy, the day, weather.

Reps. White, Weeks, Schwaner and Varrill, the day, illness.

Reps. Foster and Lee, the day, Important business.

Rep. Forcier, the day, illness, family.

Rep. Senter, the week, illness in family.

### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills 310 through 326 and Concurrent Resolution Proposing Constitutional Amendments numbered 14 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 310, relative to recoveries by the division of investigation of accounts. (Cheney of Merrimack Dist. 23 — For Legislative Study Committee — To Committee on State Institutions.)

HB 311, abolishing the poll tax and increasing municipal fees for the registration of motor vehicles. (Cate of Merrimack Dist. 20 — To Ways and Means.)

HB 312, requiring information reporting agencies to inform subject individuals of such reports and to make a subject's

file available to him for inspection and correction. (Sayer of Rockingham Dist. 7 — To Judiciary.)

HB 313, providing that the division of welfare shall auction off or sell by bid property owned by certain persons receiving public assistance. (Scammon of Rockingham Dist. 15 — To State Institutions.)

HB 314, relative to the construction and maintenance of a lake management structure at Silver Lake. (Fuller of Merrimack Dist. 26; Humphrey of Merrimack Dist. 18; Wilkinson of Belknap Dist. 3; Drouin of Belknap Dist. 9; Roberts of Belknap Dist. 3; Wuelper of Belknap Dist. 5 — To Public Works.)

HB 315, providing that minors who have completed a hunter safety instruction course in another state be recognized as competent to handle firearms in this state. (Maynard of Rockingham Dist. 24 — To Fish and Game.)

HB 316, increasing the membership of the personnel commission. (McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 317, increasing fines for commercial fishing violations and to provide for confiscation of fishing gear. (Maynard of Rockingham Dist. 24 — To Fish and Game.)

HB 318, relating to the town of Gorham. (Oleson of Coos Dist. 5; O'Hara of Coos Dist. 5 — To Municipal and County Government.)

HB 319, relative to mileage rate for all state employees using privately-owned passenger vehicles. (Noble of Merrimack Dist. 27 — To Executive Departments and Administration.)

HB 320, authorizing the sale of liquor on any holiday. (Monier of Hillsborough Dist. 4 — To Liquor Laws.)

HB 321, to provide a periodic cost of living increase to the five thousand dollar exemption on residential real property taxation for persons over seventy. (Twardus of Rockingham Dist. 14 — To Ways and Means.)

HB 322, relative to dogs pursuing game. (Forcier of Cheshire Dist. 6 — To Fish and Game.)

HB 323, permitting the fish and game commission to purchase a blanket bond or other protection against loss for losses incurred by license agents. (Huggins of Coos Dist. 1 — To Fish and Game.)

HB 324, relative to the vaccination and licensing of dogs. (Dwyer of Hillsborough Dist. 25 — To Public Health.)

HB 325, authorizing the water resources board to control the release or withholding of stored water if necessary for the public health or safety. (Raymond of Cheshire Dist. 13 — For Legislative Study Committee — To Resources, Recreation and Development.)

HB 326, relative to the regulation of credit investigators. (Monier of Hillsborough Dist. 4 — To Executive Departments and Administration.)

CACR 14, Relating to: County Elected Officials Holding Offices in the State Government, and Providing That: Elected County Officials be Disqualified from Holding the Office of Governor, Member of the General Court, or Governor's Council. (Bourassa of Hillsborough Dist. 28 — To Constitutional Revision.)

### SENATE MESSAGE

Senate acceded to House Request for committee of conference on:

HB 6, relative to the power of Hesser College to grant degrees.

HB 43, relative to the power of White Pines College to grant degrees.

HB 99, relative to the power of McIntosh College, Inc. to grant degrees.

The President appointed Senators English and Downing.

### FURTHER SENATE MESSAGE INTRODUCTION OF SENATE BILL

First, second reading & referral

SB 55, validating the marriage of Joseph and Anita Poulin. Statutory Revision.

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Reps. Bowles and Gemmill requested a 6 day extension on HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

Granted.

**BILL DUE UNDER RULE 57 AND NOT REPORTED**  
Public Health and Welfare

HB 73, enabling the state of New Hampshire to participate in the Federal Food Stamp Program and making an appropriation therefor.

**COMMITTEE REPORTS**

**HCR 10**

memorializing the Congress of the United States. Inexpedient to legislate. Rep. Russell Chase for Constitutional Revision.

Resolution adopted.

**HB 196**

requiring mandatory school attendance until student attains age eighteen or graduates from high school and that transportation be furnished said students. Inexpedient to legislate. Rep. Abbott for Education.

The cost of mandatory transportation to the towns and cities would be excessive. Also, conclusive testimony was offered that mandatory school attendance until the age of eighteen would serve no useful educational purpose.

Resolution adopted.

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Rep. Cournoyer requested a quorum count. 209 members answered, a quorum was present.

**COMMITTEE REPORTS CONTINUED**

**HB 126**

extending the good samaritan law to certain rescue and ambulance squads. Ought to pass with amendment. Rep. Halvorson for Judiciary.

Amends present "Good Samaritan" statute to include emergency care rendered while in transit and provides protection for certain rescue and ambulance squads.

#### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Rescue and Ambulance Squads Included. Amend RSA 508:12 (supp) as inserted by 1967, 128:1 and amended by 1969, 130:1 by striking out the same and inserting in place thereof the following: 508:12 Emergency Care. If any person, in good faith renders emergency care at the place of the happening of an emergency, or while in transit in an ambulance or rescue vehicle to a person who is in urgent need of care as a result of the emergency, and if the acts of care are made in good faith and without willful or wanton negligence, the person who renders the care is not liable in civil damages for his acts or omissions in rendering the care, as long as he receives no compensation for the care from or on behalf of the person cared for, and provided further that any person rendering emergency care shall have the duty to place the injured person under the care of a physician, nurse, or other person qualified to care for such person as soon as possible and to obey the instructions of such qualified person.

Amendment adopted.

Ordered to third reading.

#### HB 139

relative to guidelines and provisions for assemblies of large numbers of people. Inexpedient to legislate. Rep. Brummer for Judiciary.

Current statutes provide adequate protection. Insufficient showing of need for new legislation.

Resolution adopted.

#### HB 117

relative to health instruction and services in public schools. Inexpedient to legislate. Rep. Foster for Public Health and Welfare.

Not specific enough — too comprehensive.

Resolution adopted.

**HB 147**

relative to payments to family care homes for patients placed in their care. Ought to pass. Rep. Goodrich for Public Health and Welfare.

Title self-explanatory.

Referred to Appropriations.

**HB 106**

to clarify the definition of subdivision. Ought to pass with amendment. Rep. Claffin for Resources, Recreation and Development.

Closes loophole in definition of subdivision conveyances.

**AMENDMENT**

Amend RSA 149-E:2, VIII (supp) as amended by section 1 of the bill by striking out in line eleven the words "or condominium conveyance thereof" and inserting in place thereof the words (condominium conveyance, or other conveyance thereof) so that said section as amended shall read as follows:

1 Definition of Subdivision for Sewage Disposal Purposes. Amend RSA 149-E:2, VIII (supp) as inserted by 1967, 147:13 by inserting at the end of said paragraph the following (Without limiting the generality of the foregoing, subdivision shall include re-subdivision, and, in the case of a lot, tract or parcel previously rented or leased, the sale, condominium conveyance, or other conveyance thereof.) so that said paragraph as amended shall read as follows: VIII. "Subdivision" means the division of a tract or parcel of land into two or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale, rent, lease, building development, or any other reason; provided, however, that sale or other conveyance which involves merely an exchange of land among two or more owners and which does not increase the number of owners, and on which no sewage disposal system is to be constructed shall not be deemed a subdivision for the purposes of this chapter. Without limiting the generality of the foregoing, subdivision shall include re-subdivision, and, in the case of a lot, tract or parcel previously rented or leased, the sale, condominium conveyance, or other conveyance thereof.

Further amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 This act shall take effect upon its passage.

Amendment adopted.

Rep. Huot proposed an amendment to HB 106.

Rep. Huot explained his amendment.

Reps. Kopperl and Urie spoke against the amendment.

(discussion)

Amendment lost.

Ordered to third reading.

#### **HB 14**

allowing the secretary of state with the approval of the attorney general to revoke the charter of corporations for failure to file return and to pay annual fees. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

The committee felt that the current process of dissolving current corporations was sufficient and working well.

Resolution adopted.

#### **HB 241**

amending the business profits tax and changing the dates for return of revenue to cities and towns. Majority: Ought to pass with amendment, Rep. McLane for Ways and Means; Minority: Inexpedient to legislate. Rep. Elmer Johnson.

Majority: This is only section 14 as amended of HB 241 as originally printed. Under this proposal the state would pay the local governments each July 15 and December 15 instead of every March, June, September and December. The alternate would be for the state to again increase its short term borrowing capacity.

Minority feels that the state guaranteed payments to the towns and cities four times a year and should live up to that agreement.

#### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

changing the dates for return of revenue to cities and towns.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Changing the Time for Return of Revenue to Cities and Towns. Amend RSA 31-A:5, II (supp) as inserted by 1970, 5:16 by striking out the first sentence of said paragraph and inserting in place thereof the following (In each year subsequent to 1970 the state treasurer shall pay over to each city or town the amount due to it in two equal installments, on July fifteenth and December fifteenth; provided, that if the city or town has adopted or at any time adopts a fiscal year ending in June the state treasurer shall starting with the year 1971 in the case of a city or town which has already adopted such a fiscal year and starting in the year in which the fiscal year change takes effect in the case of a city or town hereafter adopting such a fiscal year, and each year thereafter in both cases the state treasurer shall make payment in four equal installments, on March fifteenth, June fifteenth, September fifteenth and December fifteenth.) so that said paragraph as amended shall read as follows: II. In each year subsequent to 1970 the state treasurer shall pay over to each city or town the amount due to it in two equal installments, on July fifteenth and December fifteenth; provided that if a city or town has adopted or at any time adopts a fiscal year ending in June the state treasurer shall starting with the year 1971 in the case of a city or town which has already adopted such a fiscal year and starting in the year in which the fiscal year change takes effect in the case of a city or town hereafter adopting a fiscal year, and each year thereafter in both cases the state treasurer shall make payment in four equal installments, on March fifteenth, June fifteenth, September fifteenth and December fifteenth. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

At the request of Rep. Lawton, Rep. Reddy explained the bill and the amendment.

Rep. Belzil spoke against the bill.

Rep. Raiche moved that the following proposed amendment be substituted for the committee amendment.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

further increasing the temporary borrowing limit of the state.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Increased Limit on Borrowing. Amend RSA 6:13 (supp) as amended by 1965, 188:1, 1967, 114:1, and 1971, 1:1 by striking out in line eight the word "twenty-five" and inserting in place thereof the word (thirty-five) so that said section as amended shall read as follows: 6:13 Borrowing Money. If money due from the state is demanded and there are not sufficient funds in the treasury available for the payment of the same, the treasurer under the direction of the governor and council is authorized to borrow on the state's credit for a period of not more than one year, at the lowest rate of interest obtainable, such sums as may be necessary, provided that at no time shall the indebtedness of the state pursuant to the authority granted by this section exceed the sum of thirty-five million dollars.

2. Effective Date. This act shall take effect upon its passage.

The Clerk read the Raiche amendment in full.

Rep. Raiche explained his amendment.

Rep. Trowbridge spoke in favor of the committee amendment and against the Raiche amendment.

(discussion)

Reps. Radway, Lawton, Menge and Elmer Johnson spoke in favor of the Raiche amendment.

Rep. Levy explained HB 241 as amended.

Rep. Belair spoke in favor of the Raiche amendment.

Rep. Reddy spoke against the Raiche amendment.

Rep. Cares spoke in favor of the Raiche amendment.

Rep. Raiche withdrew his amendment and offered the following proposed amendment.

#### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

increasing for one year the temporary borrowing limit of the  
state.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. One Year Increase. In addition to the authority to borrow authorized by RSA 6:13, as amended, at any time within one year from the effective date of this act, if money due from the state is demanded and there are not sufficient funds in the treasury available for the payment of the same, the treasurer under the direction of the governor and council is authorized to borrow on the state's credit for a period of not more than one year, at the lowest rate of interest obtainable, such sums as may be necessary, provided that at no time shall the indebtedness of the state pursuant to the authority granted by this act exceed the sum of ten million dollars.

2 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment in full.

Rep. Raiche explained his amendment.

Rep. Sayer spoke in favor of the Raiche amendment.

Reps. Hanson and George Roberts spoke against the Raiche amendment.

Rep. Richard Bradley spoke in favor of the Raiche amendment.

At the request of Rep. Palmer, Rep. Reddy answered questions.

Rep. Harvell spoke in favor of the committee report.

Rep. Merrill moved the previous question and it was sufficiently seconded.

Adopted.

Rep. Sears requested a division.

The question being on the substitution of the Raiche amendment for the committee report.

159 members having voted in the affirmative and 153 in the negative, the Raiche amendment was adopted.

Rep. Bowles requested the yeas and nays; seconded by five members.

### ROLL CALL

YEAS: 172

#### ROCKINGHAM COUNTY:

Boucher, Soule, Adams, Read, Belair, O'Neil, Robert E., Sayer, Palmer, Spollett, Sewall, Twardus, Maynard, McEachern, Connors, Levy, Woods, Croft.

#### STRAFFORD COUNTY:

McIntire, Smith, Elmer C., Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Ineson, Carignan, Ruel, Beaudoin, Sylvain, Blanchette, Bernard, Webber, Young, Kinney, Maglaras.

#### SULLIVAN COUNTY:

Gaffney, Rousseau, Burrows, D'Amante, Downing, Williamson.

#### BELKNAP COUNTY:

Lawton, Wilkinson, Hood, Drouin.

#### CARROLL COUNTY:

Lagroe.

#### CHESHIRE COUNTY:

Churchill, Forbes, Johnson, Elmer L., Halvorson, Mallat, Vogel, Ames, Saunders, Barker, Cummings, Richard E.

## COOS COUNTY:

Huggins, Bushey, Hunt, Mayhew, O'Hara, Oleson, Fortier, Roy, Desilets, Studd, Brungot, Oswell, Bouchard, Gagnon, Theriault, Kidder.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Tilton, Brummer, Chamberlin, Anderson, Menge, Radway, Gemmill, Buckman, Bradley, Richard L.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Poehlman, Weilbrenner, Colburn, Heald, Philip C., Spalding, Kenneth W., Hall, Belzil, Parker, Gerry F., Record, Belcourt, Lesage, Trombley, Cote, Peter R., Mason, Desmarais, Gardner, Cleon J., Lachance, Chamard, Cote, Margart S., O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Grandmaison, Ouellette, Bissonnette, Alukonis, Cares, Peabody, Arthur H., Dwyer, Lyons, Bridges, Ackerson, Barrett, Gerald J., Murphy, Francis, Bruton, Cote, Joseph L., Duhaime, Armand L., Cullity, McDermott, Welch, John L., Manning, Spirou, Walsh, Barrett, William F., Clancy, Healy, McDonough, Boisvert, Emile E., Leclerc, Champagne, Cheverette, Derome, Lemieux, Raiche, St. Onge, Robinson, Sweeney, Clear, Lamy, Murphy, Dennis J., Levasseur, Martineau, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

## MERRIMACK COUNTY:

Riley, Gamache, Gordon, Bartlett, Avery, Perkins, Thompson, Doris L., Dempsey, Greeley, Humphrey, James A., York, Edward H., Miner, Underwood, Howland, Tarr.

NAYS: 169

## ROCKINGHAM COUNTY:

Stimmell, Griffin, Margaret A., Gay, MacGregor, Lovell, Gelt, Smith, Philip A., Cummings, Charles E., Benton, Goodrich, Scanman, Collishaw, Eastman, Junkins, Page, Hamel, Fiske, Cunningham, Langley, Leavitt, Greene, Hammond, Keefe, Chandler, Griffin, Ruth L., Quirk, Dame, Palfrey, Bowles, Jameson.

## STRAFFORD COUNTY:

Brown, Canney, Stevenson, Douglas M., Beckett, Clark, Shirley M., Cochrane, Tirrell, Thompson, Barbara C., Dunlap, Preston, Balomenos, Tripp, Leighton, Peabody, Raymond B., Fellows, Mudgett, DeWolfe, Parnagian, Richardson, Harriett W. B.

## SULLIVAN COUNTY:

Townsend, Campbell, Spaulding, Roma A., Flint, Frizzell, Galbraith, Fleming.

## BELKNAP COUNTY:

Urie, French, Roberts, Charles B., Nighswander, Roberts, George B., Head, Prescott, Dulac, Randlett, Maguire, Whittemore.

## CARROLL COUNTY:

Howard, Donald K., Cox, Davis, Esther M., Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Claflin.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Trowbridge, Yardley, Cournoyer, Allen, Bennett, Coughlin, Dunham, Hackler, O'Neil, James E., Raymond, Heald, Cleon E., Streeter, Drew.

## COOS COUNTY:

Cook, Noyes, Drake, Burns, Dubey, York, Elmer H., McCuin, Richardson, Mabel L.

## GRAFTON COUNTY:

Higgins, McGee, LaMott, Ezra B., Bradley, David H., Nutt, Dow, Duhaime, Roger, M., Merrill, Altman, Bell, Sears, Mitchell.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Sawyer, Knight, Daloz, Mann, Arthur F., Murray, Karnis, Eaton, Clyde S., Carter, Coburn, Ferguson, Bragdon, Brocklebank, Bouchard, Maurice L., Drabinowicz, Sirois, Gabriel, Bednar, Keeney, Rodgers, Harvell, VanLoan, Abbott, Ainley, Daniels, Zachos, Montplaisir, Dion, Simard, Belanger.

## MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Parker, Harry C., Reddy, Hanson, Enright, Little, Kopperl, Burleigh, Chapley, Mattice,

Michels, Cate, Davis, Alice, Haller, Cheney, Charles H., Mc-Lane, Filides, MacDonald, Sanders, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley B.

The Raiche amendment was adopted.

Ordered to third reading.

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Rep. James O'Neil moved that the Rules of the House be so far suspended as to place HB 241 on third reading and final passage at the present time.

Adopted.

## THIRD READING AND PASSAGE BY THE HOUSE

HB 241, increasing for one year the temporary borrowing limit of the state.

## RECONSIDERATION

Rep. Vachon moved reconsideration of the passage of HB 241, and spoke against the motion.

Motion lost.

## RECESS

## AFTER RECESS

(Deputy Speaker in the Chair)

## SENATE MESSAGE

Senate concurrence on

HB 46, to reclassify a class V highway in the town of Sutton to a class II highway.

## FURTHER SENATE MESSAGE

## Introduction of Senate Bill and Referral

SB 6, providing that when highway work requires relocating municipally owned underground utility facilities the governmental agency doing the work shall pay for the trenching and backfilling. — Public Works.

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Rep. Shirley Clark moved that the order whereby SB 54, relative to the 1971 appropriation for the division of parks and providing for time and one half pay for overtime work by employees engaged in snow-farming, was referred to Executive Departments and Administration be vacated and referred to Appropriations.

Adopted.

## COMMITTEE REPORTS CONTINUED

**HB 55**

prohibiting the importation into or sale in the state of detergents containing phosphorus in any form. Majority: Ought to pass with amendment, Rep. Clafflin; Minority, Refer to Interim Study Committee, Reps. Mayhew, Robinson, Fiske, Oleson, Clear, Williamson, Schwaner, Kopperl and Poehlman.

## AMENDMENT

Amend RSA 147-A:7 as inserted by section 1 of the bill by striking out in line five the words "one thousand" and inserting in place thereof the words (five hundred) so that said section as amended shall read as follows:

147-A:7 Penalties. Any formulator, manufacturer, importer, or seller of detergents or any other person who shall violate any of the provisions of this chapter or who shall fail, neglect or refuse to obey any order of the water supply and pollution control commission lawfully issued pursuant hereto, shall be fined not more than five hundred dollars for each day of such violation, failure, or neglect, or refusal after the expiration date of any time limit set by the commission.

Further amend the bill by striking out RSA sections 147-A:8, 10, 11, 12 and 13 as inserted by section 1 of the bill.

Further amend the bill by renumbering RSA sections 147-A:9 and 14 as inserted by section 1 of the bill to read 147-A:8 and 147-A:9 respectively.

Amend RSA 147-A:15 as inserted by section 1 of the bill by renumbering said section to read 147-A:10 and by striking out in lines four and eleven thereof the words "one thousand" and inserting in place thereof the words (two hundred fifty) so that said section as amended shall read as follows:

147-A:10 Registration and Fees. Each separate trade-named detergent imported into New Hampshire and containing phosphorus in any form shall be registered by name with the water supply and pollution control commission. The manufacturer shall pay two hundred fifty dollars annually for each separate trade-named detergent containing phosphorus. A label or facsimile shall accompany each request for registration and a check payable to the state of New Hampshire shall accompany each request. A request can include a list of phosphate detergents that a manufacturer may wish to register and may be accompanied by a single check covering the total number of individual registrations requested. Additional names and labels shall be added by the water supply and pollution control commission to his current list at any time during the current registration period when accompanied by a check in the amount of two hundred fifty dollars for each name and label. The current registration period shall mean the calendar year.

Rep. Robinson moved that the report of the minority: Referred to Interim Study Committee, be substituted for the report of the majority. Ought to pass with amendment and spoke in favor of the motion.

(discussion)

Reps. Russell Chase, Andrews, Mayhew, Parker, Randlett and Urie spoke against the motion.

Reps. Knight, Fiske, Oleson and Williamson spoke in favor of the motion.

Rep. Drew moved the previous question; sufficiently seconded.

Adopted.

The question being on the motion that the report of the minority: Referred to Interim Study Committee be substituted for the majority report: Ought to pass with amendment.

Rep. Urie requested a division.

126 members having voted in the affirmative and 143 in the negative, the motion failed.

The question now being on the adoption of the committee amendment.

Amendment adopted.

Referred to Appropriations.

## **HB 27**

to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor. Ought to pass with amendment.

Reps. Dwyer and Claflin spoke in favor of the amendment.

(discussion)

Committee amendment lost.

Rep. Robinson offered an amendment.

Rep. Robinson moved that the rules of the House be so far suspended as to dispense with the reading of the amendment.

Adopted.

Rep. Robinson explained his amendment.

Rep. Malcolm Stevenson moved that HB 27 with proposed Robinson amendment be recommitted to Resources, Recreation and Development and spoke in favor of the motion.

Rep. Trowbridge spoke in favor of the motion.

Rep. Claflin spoke in favor of the motion.

Adopted.

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The Speaker announced that Rep. Bartlett was 70 years young today.

On motion of Rep. George Roberts the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

#### LATE SESSION

Third readings and passage by the House.

HB 106, to clarify the definition of subdivision.

HB 126, extending the good samaritan law to certain rescue and ambulance squads.

#### PASSED UNDER SUSPENSION EARLIER

HB 241, increasing for one year the temporary borrowing limit of the state.

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The next two Wednesdays will be Consent Calendar Days.

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Rep. Belzil moved that the remarks made by Rep. Richard Bradley be printed in the Journal.

Adopted.

#### REMARKS OF REP. RICHARD BRADLEY

Twoscore and seven weeks ago

The Task Force brought forth on this state a new tax

Conceived in political expediency

Amended in haste

Administered in trickery

And dedicated to the proposition that all voters are created stupid

Now we are engaged in a legislative session

Discussing whether that tax or any tax so conceived and so administered

Can meet the needs of New Hampshire

We are met in a debate

We have come to discuss an amendment to that tax proposed by those same individuals who twisted arms that this tax might pass

They say it is altogether fitting and imperative that we should do this

But in a practical sense

We cannot operate

We cannot complicate

We cannot tolerate this tax

Those so-called leaders, both legislators and ex-legislators who got us into this mess

Have loused up the situation far above our poor power to rescue them from their own incompetence.

The taxpayers will little note nor long remember what we say here

But they will not soon forget what we do here.

It is for us, their representatives

To be dedicated to the task of returning our state to fiscal sanity which the voters nearly accomplished in the last election

It is for us to be here dedicated to the task remaining before us.

That from these overburdened taxpayers we do not take the shirts off their backs, the roof from over their heads or an ever-increasing slice of their weekly wages.

That we here highly resolve that the votes which elected us shall not have been cast in vain

That this state under honest legislation shall have a new birth of common sense and that exploitation of the people, by the bureaucracy, for the politicians, shall not continue in New Hampshire.

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On motion of Rep. Spollett the House adjourned at 5:20 P.M.

*Wednesday, 24Feb71*

(Deputy Speaker in Chair)

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANGTI. Amen. Most Gracious GOD, on this first day of the Season of Lent, we thank Thee for our life in a free land, for just laws, a heritage of worthy traditions and good customs, and works of charity. In the practice of our individual religious faith, by day and night, with heart and voice, may Thy servants from generation to generation praise and adore Thee. As we examine our religious faith and prepare our lives to meet the rigors and challenges of The Cross of Christ, may we find in His most perfect life the needed example to inspire us in our daily search for truth. May we find in the study of His teachings a more perfect way to live and serve in our present age. Amen.

Rep. Canney led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Webber, today and tomorrow, illness.

Rep. Boucher, today, important business.

Reps. Nalette and Allard, indefinite, illness.

Rep. Blanchette, today, illness.

Rep. James O'Connor, today and tomorrow, death in family.

#### RESOLUTION

Rep. Preston offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 327 through 336 and House Joint Resolution number 26 and Concurrent Resolution Proposing Constitutional Amendment number 16 shall be by this resolution read a first and second time by the therein listed

titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, HJR AND CACR

First, second reading & referral

HB 327, to increase the compensation of the board of hair-dressers, increase fees, and establish new licensing standards. (Palmer of Rockingham Dist. 9 — To Public Health and Welfare.)

HB 328, repealing the statute providing that the labor commissioner shall establish the minimum wages paid by the state and its political subdivisions in the construction of public works. (Trowbridge of Cheshire Dist. 4 — To Public Works.)

HB 329, providing for a separate board to coordinate advanced education and making an appropriation therefor. (Cares of Hillsborough Dist. 24 — To Education.)

HB 330, relative to the sale of bottled liquor. (Bouchard of Coos Dist. 9 — To Liquor Laws.)

HB 331, amending the business profits tax. (Rules Committee for Rep. Reddy of Merrimack Dist. 5 — To Ways and Means.)

HB 332, to authorize the barbers board to employ a full-time inspector and to increase certain license fees. (Maglaras of Strafford Dist. 20 — To Public Health and Welfare.)

HB 333, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. (Roberts of Belknap Dist. 6 — To Appropriations.)

HB 334, relative to the commitment of drug dependent persons. (Zachos of Hillsborough Dist. 27 — To Public Health and Welfare.)

HB 335, to prohibit the denial of an alcoholic beverage license because of racial discrimination. (Lynch of Hillsborough Dist. 32 — To Judiciary.)

HB 336, abolishing the poll tax. (Hanson of Merrimack Dist. 6 — To Ways and Means.)

HJR 26, to reimburse Reginald Pelkey for damage done to his automobile and making an appropriation therefor. (Allen of Cheshire Dist. 8 — To Claims, Military and Veterans Affairs.)

CACR 16, Relating to: Referendum for taxes. Providing that: A majority vote of the qualified electorate is required to put into effect a tax levy which would raise two percent or more of the current general operating budget. (Bradley of Grafton Dist. 19 — To Constitutional Revision.)

### CONSENT CALENDAR COMMITTEE REPORTS

#### **HB 189**

authorizing the general court to provide for the time and mode for submitting constitutional amendments proposed by it to the voters, was withdrawn at the request of Rep. Bednar.

#### **HJR 17**

authorizing the purchase of the buildings on Ingall's Island in Rocky Pond in the town of Canterbury and making an appropriation therefor. Inexpedient to legislate. Rep. Colburn for Environmental Quality and Agriculture.

Establishes an undesirable precedent. The state of New Hampshire should not make gifts when it is not meeting all its obligations.

Resolution adopted.

#### **HB 85**

increasing fees for bow and arrow and muzzle-loading licenses. Inexpedient to legislate. Rep. Kinney for Fish and Game.

Subject matter to be covered by pending legislation.

Resolution adopted.

#### **HB 120**

increasing the fees for resident and nonresident fishing and hunting licenses. Inexpedient to legislate. Rep. Chamberlin for Fish and Game.

Subject matter to be covered by more comprehensive pending legislation.

Resolution adopted.

**HB 165**

providing for the protection of the otter. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Present population stable. Fish and Game Department feels that protection not necessary at this time, and a waste of accidentally trapped pelts.

Resolution adopted.

**HB 171**

establishing the time of the annual public hearings relative to the powers and duties of the fish and game department. Ought to pass. Rep. Bushey for Fish and Game.

Changes the time of public hearings in the fishing rules and regulations from 10:00 a.m. to 8:00 p.m. Committee feels more people would attend.

Ordered to third reading.

**HB 195**

relative to taking lobsters or crabs by a person who does not sell the same and does not use more than five traps. Inexpedient to legislate. Rep. Randall for Fish and Game.

Would have permitted an entire family to use one lobster license.

Resolution adopted.

**HB 143**

providing that putting drugs in food or drinks is a crime. Inexpedient to legislate. Rep. Andrews for Judiciary.

Covered by current statutes.

Resolution adopted.

**HB 69**

to exempt commercial fishing boats and other commercial vessels from the property tax. Inexpedient to legislate. Rep. Bednar for Municipal and County Government.

Formerly covered under stock-in-trade tax.

Resolution adopted.

**HB 174**

amending the charter of the Manchester Children's Home. Ought to pass. Rep. Dunlap for Statutory Revision.

To bring the charter up to date.

Ordered to third reading.

Rep. Roma Spaulding moved that the order whereby HB 203, relative to professional services, was referred to Public Health and Welfare be vacated and referred to Judiciary.

Adopted.

Rep. Cleon Heald moved that the order whereby HB 286, appropriating additional funds for the women's dormitory at the New Hampshire Technical Institute in Concord, was referred to State Institutions be vacated and referred to Appropriations.

Adopted.

#### BILLS DUE FOR REPORT AND NOT REPORTED WITHIN 15 LEGISLATIVE DAYS

##### Resources, Recreation & Development

HB 78, to authorize the industrial development authority to provide housing for industrial workers.

HB 27, to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor.

##### Transportation and Aeronautics

HB 94, relative to payment of certain expenses of the Lebanon regional airport authority and making an appropriation therefor.

##### Executive Departments & Administration

HJR 10, providing for a study of overtime pay for all state employees.

##### Lebanon Delegation

HB 11, to provide for the annual election of officials of Lebanon School District at the same time as the election of city or state officials.

HB 12, amending the Lebanon city charter to provide for three-year terms for city councilors, three to be elected annually.

The Speaker ordered these bills to be placed on the Calendar of March 4, 1971.

### UNANIMOUS CONSENT

Rep. Lagroe requested unanimous consent to address the House. He requested unanimous consent to have the Sacket Report on Franconia College printed in the Journal. Granted.

### REPORT TO THE GENERAL COURT

on Franconia College By the Coordinating Board of  
Advanced Education and Accreditation, as directed by  
Laws of 1967, Chapter 457:2

The Coordinating Board made formal evaluations of Franconia College on December 4, 1968 and December 8, 1970.

Franconia College has a Board of Trustees with 22 active members who represent a wide range of professional, business and educational backgrounds. They represent a geographic spread from New Hampshire to Delaware. A new president, 24-year-old Leon Botstein, took office on August 1, 1970. He made a favorable impression on the evaluators and has established good relations with Trustees, faculty and students. Under his energetic leadership the institution seems to be on its way to a new stability. The business management is also competent. Through a series of committees, trustees, faculty and students all participate in the formulation of policies for the College.

As with all colleges today, finances are a problem. A realistic appraisal has been made of the situation and tight controls have been established to provide for paying off past debts and to avoid future budgetary deficits. The high tuition of \$3,200 tends to limit the enrollment to students from families in the higher income brackets. The College brings into the community about one million dollars a year in out-of-state money.

The faculty is characterized by youth, enthusiasm and imagination. This year several instructors with first rate backgrounds have been added. The workload for the faculty is

heavy due to the unusual amount of personal attention given by the faculty to the students.

Most of the students are from out-of-state. They have a wide range of ability and academic background. Nearly half of the students admitted in 1970 were transfers from other institutions. Alumni of Franconia have had good success in securing admission to graduate and professional schools. No examples of dress or behavior more extreme than are found on other campuses were observed. The rules of conduct are similar to those found on other co-educational campuses today.

The program of studies is characterized by change as new ideas are tried and modified. The clear distinction between lower (freshman-sophomore) and upper (junior-senior) divisions is continued with admission to the upper division being limited to those meeting certain requirements. Instruction in the lower division has been changed from a heavy emphasis on a "core" seminar to the more common series of courses. The upper division still features "Outreach" providing for the student to pursue a substantial part of his studies by travel, study on other campuses, or relevant work experience. A major written report and a comprehensive examination are graduation requirements.

The utilization of a summer hotel for a college plant continues to be a problem, but conditions are being improved. Given the high maintenance costs of such a plant and the financial situation of the college, maintenance is reasonably good.

The library is well administered and planned for maximum student use. The book selection is good but limited in quantity. There is an interesting affiliation between the bookstore and the library.

Student records are well organized and comprehensive. There is a written evaluation by both student and instructor for every course taken by a student. These evaluations are in addition to the traditional grades and give an informative picture of a student's progress.

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On motion of Rep. Raiche the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills

be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

### LATE SESSION

Third readings and passage by the House

HB 171, establishing the time of the annual public hearings relative to the powers and duties of the fish and game department.

HB 174, amending the charter of the Manchester Children's Home.

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The next two Wednesdays will be Consent Calendar Days.

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On motion of Rep. Gagnon the House adjourned at 11:25 A.M.

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*Thursday, 25Feb71*

(Deputy Speaker in Chair)

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ETERNAL GOD, ruler of every nation, we thank Thee today for our own land. We are grateful, indeed, for our American freedom and democracy. May these blessings not keep us from seeing how far short we fall from developing fully the personalities of our citizens nor blind us to the accomplishments of other peoples and different ways of life. Enable us to accept the gift of life so bravely, so faithfully, given in the example of Jesus Christ. Enable us to accept the gift of love, and concern for each other, as evidenced in the way of Jesus Christ. So let us join together today to honor Thee in service and to serve our constituents with honor. Amen.

Rep. Maloomian led the Pledge of Allegiance.

Rep. Raiche introduced the Honorable George McGovern, U. S. Senator from South Dakota, who addressed the House briefly.

## LEAVES OF ABSENCE

Reps. Blanchette, Connor and Walsh, today, illness.

Reps. Donald Chase, Sayer and Cochrane, today, important business.

## RESOLUTION

Rep. Adams offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 337 through 352 and House Joint Resolution number 27 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 337, establishing a committee to study and report on the goals, purposes, organization and financing of the state university system, and making an appropriation therefor. (O'Neil of Cheshire Dist. 12; Raiche of Hillsborough Dist. 34 — To Education.)

HB 338, providing that the state shall reimburse cities and towns for tax losses incurred through exemptions granted to the elderly and making an appropriation therefor. (Brungot of Coos Dist. 8 — To Ways and Means.)

HB 339, relative to the construction of area schools and additions thereto. (Hall of Hillsborough Dist. 13; Brocklebank of Hillsborough Dist. 13 — To Education.)

HB 340, relative to the New Hampshire retirement system and the firemen's retirement system. (Healy of Hillsborough Dist. 32 — To Executive Departments and Administration.)

HB 341, to prohibit cancellation of accident and health insurance policies due to changes in the physical condition of the insured. (Bednar of Hillsborough Dist. 23 — To Banks and Insurance.)

HB 342, to establish a police standards and training council and to provide educational and training requirements for members of police forces and making an appropriation therefor. (Cochrane of Strafford Dist. 4 — To Executive Departments and Administration.)

HB 343, to create a State Department of Corrections. (Zachos of Hillsborough Dist. 27; Raiche of Hillsborough Dist. 34 — To Executive Departments and Administration.)

HB 344, providing that the state assume the full cost of health insurance for all state employees and making an appropriation therefor. (McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 345, to increase the permissible maximum dollar limit of certain force account contracts. (Noble of Merrimack Dist. 27 — To Executive Departments and Administration.)

HB 346, providing group hospitalization, hospital medical care, surgical care, other medical and surgical benefits and dental care for state employees and members of the general court and making an appropriation therefor. (Noble of Merrimack Dist. 27 — To Executive Departments and Administration.)

HB 347, relative to the manner and season for the taking of fin fish or crustaceans in estuarine or coastal waters and relative to trawling licenses. (Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 348, enabling the department of fish and game to recover damages for loss of fish, other aquatic life, wildlife or their habitat due to water pollution. (Oleson of Coos Dist. 5; Heald of Hillsborough Dist. 10 — To Fish and Game.)

HB 349, relative to distribution of receipts from broad base taxes. (Monier of Hillsborough Dist. 4 — To Ways and Means.)

HB 350, relative to motorboat speed and the prohibiting of water-skiing on the Pemigewasset River near Plymouth. (Urie of Belknap Dist. 1 — To Resources, Recreation and Development.)

HB 351, relative to increasing the tax on tobacco products and making an appropriation therefor. (Sirois of Hillsborough Dist. 21 — To Ways and Means.)

HB 352, to provide a tax on the receipt of gross income. (Sayer of Rockingham Dist. 7 — To Ways and Means.)

HJR 27, appropriating twenty-five thousand dollars to be expended in opposing the abandonment of the railroad line from Concord to Lincoln. (Coutermarsh of Hillsborough Dist. 22 — To Appropriations.)

### INTRODUCTION OF HCR 12

First, second reading and referral

HCR 12, relative to election laws. — To Statutory Revision.

### SENATE MESSAGE

Senate concurrence on

HB 42, providing that persons imprisoned for offenses against order and decency may be committed to a house of correction or to a county jail.

### FURTHER SENATE MESSAGE

Introduction of Senate Bill and referral

SB 48, providing that offices of member of the general court and delegate to a constitutional convention are incompatible. — To Statutory Revision.

### ENROLLED BILLS REPORT

HB 8, making correction in the laws relating to retail businesses.

HB 46, to reclassify a class V highway in the town of Sutton to a class II highway.

HB 42, providing that persons imprisoned for offenses against order and decency may be committed to a house of correction or to a county jail.

Roxie A. Forbes  
For the Committee

## UNANIMOUS CONSENT

Rep. Kenneth Spalding addressed the House by unanimous consent.

Rep. Bowles moved that the remarks of Rep. Spalding be printed in the Journal and spoke in favor of his motion.

Adopted.

## REP. SPALDING'S REMARKS

Mr. Speaker, I arise before you this morning with your consent. "There is nothing so powerful as the truth." This is a letter from David Strickler:

This is my personal apology for factual errors about your HB 63 as such errors appeared in the front-page issue of Feb. 7, NEW HAMPSHIRE SUNDAY NEWS.

I am writing only on behalf of myself, in relation to my integrity as a reporter; I am not speaking for the newspaper nor its editor-in-chief, B. J. McQuaid.

Mr. McQuaid rewrote my news story as I submitted it and in the rewrite he used the original deposit figures at 10c and 15c rather than the amended figures of 10c and 5c. Also, he referred to "returnable bottles or cans" — whereas I understood and wrote quite plainly that use of cans for these beverages would be outlawed under your bill and therefore could not possibly be "returnable."

I recall during our telephone conversation you referred to our Union Leader article of Feb. 2 which accurately spells out the amended items of the bill. Also, I interviewed six other men about the bill, and all reflected the same understanding of its specifics.

Unfortunately, Editor McQuaid placed no confidence in my ability as reporter to get the facts straight. I showed our own Tuesday article to other desk men Saturday night before deadline in my attempts to have the "rewrite errors" corrected — but Mr. McQuaid maintained in effect that editors *always* know more about every subject than do reporters. He simply declared his figures were the accurate ones, would not even look at the clip from Tuesday's Union Leader.

I requested my byline be removed from this story since any and all errors will reflect on me and perhaps undermine my effectiveness in reporting future stories. After all, who will speak the second time to a reporter guilty of such a mixup as reported above? (The editor did remove my byline from this *and* all other stories, including a feature on Manchester's famous statue of Lincoln. During one past similar cycle, lasting a whole month, I was allowed no bylines on any stories or pictures simply because I objected to use of *my* name on one story which he had rewritten in *his* own words. Fun, eh?)

I tried but failed to prevent publication of the errors about your bill. Since I was the one who spoke to you, I offer the apology together with my declaration that I understood all points of conversation. The story was simply taken out of my hands by the man with the power. While I feel certain Mr. McQuaid did not deliberately falsify the facts and that his wrong impressions stemmed from casual conversations, it does seem a shame the word of an experienced reporter doing his job counts for so little.

(You know any papers with openings where a reporter is really counted and trusted as a member of the team?)

For a fair (and newsworthy) House fight on the bill.

David S. Strickler  
New Hampshire Sunday News

Mr. David S. Strickler was released from his duties last Friday.

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Rep. Trowbridge requested a six day extension on HB 119, relative to making improvements to the central New Hampshire turnpike and making an appropriation therefor.

Granted.

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Rep. Claffin requested a six day extension on HB 78, to authorize the industrial development authority to provide housing for industrial workers.

Granted.

Rep. Claffin requested a six day extension on HB 27, to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor.

Granted.

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Rep. Gordon requested a quorum count. 279 members having answered, a quorum was present.

## COMMITTEE REPORTS

### HB 91

relating to investments of savings banks in real estate. Ought to pass with amendment. Rep. Lamy for Banks and Insurance.

Will permit savings banks of New Hampshire to provide additional funds for the improvement of New Hampshire.

## AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Real Estate. Amend RSA 387 by inserting after section 19-a the following new section: 387:19-b Real Estate Other Than Bank Premises. The assets of savings banks may be invested in fee simple interests in real estate which savings banks may from time to time acquire by foreclosure, by the acceptance of a deed in lieu of foreclosure, or by purchase. Savings banks may lease and convey real estate so acquired and may invest their assets in the improvement or development of such real estate. The book value of the investments in real estate acquired by a savings bank under the authority of this section shall not exceed five percent of its deposits, and shall be taken into account as against the total limitation on investments in real estate mortgages contained in paragraph IV of section 3 of this chapter. The authority to purchase real estate shall be limited to real estate located in New Hampshire, but in lieu of direct purchase may include acquisition of not less than one hundred percent of the capital stock in a New Hampshire corporation holding fee simple interests in New Hampshire real estate, the

primary corporate purposes of which, as stated in the articles of agreement thereof, are solely the purchase, holding, sale, rental or development of such real estate. The authority herein granted shall not be construed to limit the authority granted by RSA 384:16-a.

The savings departments of trust companies exercising the aforesaid powers shall not be limited in doing so by the provisions of RSA 392:37.

Rep. Parker spoke against the bill.

Amendment adopted.

Ordered to third reading.

### **HB 189**

authorizing the general court to provide for the time and mode for submitting constitutional amendments proposed by it to the voters. Ought to pass. Rep. Russell Chase for Constitutional Revision.

The Constitution authorized the General Court to propose amendments thereto. This bill simply authorizes the General Court to prescribe the time and mode (which it already does in effect when it passes each CACR on a specific subject).

At the request of Rep. Bednar, Rep. Russell Chase answered questions.

Rep. Bednar moved that HB 189 be indefinitely postponed and spoke in favor of his motion.

(discussion)

Rep. Russell Chase spoke against the motion.

Rep. Bednar withdrew his motion.

Rep. Bednar moved that HB 189 be recommitted to the Committee on Constitutional Revision for further study.

Rep. George Roberts spoke against the motion.

(discussion)

Rep. Richard Bradley spoke in favor of the motion.

Rep. Bowles spoke against the motion.

(discussion)

Rep. Coutermarsh spoke in favor of the motion.

Rep. Russell Chase spoke against the motion.

Rep. Hayes moved the previous question and was sufficiently seconded.

Adopted.

Motion lost.

Rep. Bednar requested a division.

147 having voted in the affirmative and 149 in the negative, the motion lost.

Ordered to third reading.

Rep. Bednar requested a division.

165 having voted in the affirmative and 115 in the negative, HB 189 was ordered to third reading.

## **HB 18**

relative to preparation of budget for University of New Hampshire. Majority: Inexpedient to legislate, Rep. Abbott; Minority: Ought to pass. Reps. Lawton, Lyons, Robert O'Neil, Gabriel, Boucher, Hughes, Lagroe.

Majority of committee contends: all information concerning the budget presentation of the University of New Hampshire is readily available to any legislative committee or to any individual legislator. The present system of accountability is working well and allows the flexibility to develop outstanding programs for New Hampshire's students.

Minority of the committee feels that the budget for higher education should be handled in the same manner as the other state departments .

Rep. Lawton moved that the minority report, ought to pass, be substituted for the majority report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Williamson moved that HB 18 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Lemieux and Hall offered an amendment.

### PARLIAMENTARY INQUIRY

Rep. Elmer Johnson rose on a point of parliamentary inquiry.

The Speaker stated that the motion to amend took precedence over the motion to indefinitely postpone, and the motion was in order.

Rep. Lemieux read the amendment and explained its function.

(discussion)

Rep. Lemieux yielded to Rep. Drake to answer further questions.

At the request of Rep. Monier, Rep. Lemieux answered questions.

Rep. Lawton spoke against the amendment.

Rep. Hall spoke in favor of the amendment.

### RECESS

### AFTER RECESS

Question being on the adoption of the Lemieux-Hall amendment to HB 18.

Rep. Lagroe spoke against the amendment.

Reps. Bowles and Drake spoke in favor of the amendment.

(discussion)

Rep. Cares spoke in favor of the amendment.

Reps. Richard Bradley, Joseph Eaton, Beckett, Gerry Parker, Elmer Johnson, Hardy, Cleon Gardner and Streeter spoke against the amendment.

Reps. Beckett, Mallat and DeWolfe abstained from voting under Rule 16.

Rep. Chamberlin moved the previous question.

Adopted.

Amendment lost.

The question now being on the adoption of the motion that HB 18 be indefinitely postponed.

Motion lost.

The question now being on the motion that the words ought to pass be substituted for the majority report, inexpedient to legislate.

On the request of Rep. George Roberts, Rep. Drake answered questions.

Reps. Beckett, Greene, Bowles and Cares spoke against the motion.

Reps. Davidson, Joseph Eaton, Lagroe, Robert O'Neil, and Monier spoke in favor of the motion.

At the request of Rep. Belanger, Rep. Bowles answered questions.

(discussion)

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Adopted.

Motion adopted.

Rep. Bowles requested a division.

188 having voted in the affirmative and 114 in the negative, the motion was adopted.

Ordered to third reading.

### **HB 103**

relative to preparation of budget for University of New Hampshire. Inexpedient to legislate. Rep. Abbott for Education.

Subject matter covered by HB 18, both committee majority and committee minority on HB 18 agreed to report HB 103 as inexpedient to legislate.

Rep. George Roberts spoke against HB 103.

Adopted.

**HB 114**

relative to the power of Franconia College to grant degrees. Ought to pass with amendment. Rep. Abbott for Education.

Confers authority for Franconia College to grant degrees of associate of arts and bachelor of arts.

At the request of Rep. Brummer, Rep. Lagroe answered questions.

Rep. Lagroe yielded to Rep. Bowles to answer a question.

Rep. Brummer moved that HB 114 be recommitted to committee on Education.

(discussion)

Rep. Brummer withdrew his motion to recommit.

Rep. Bowles moved that HB 114 be laid on the table.

Adopted.

**SENATE MESSAGE**

Senate concurrence on HB 241 with amendment.

The Clerk read the amendment in full.

Rep. Reddy moved the House concur in the Senate amendment.

Rep. Reddy explained the amendment.

(discussion)

Rep. Reddy withdrew his motion to concur.

Rep. Reddy moved that the House nonconcur in the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Reddy, Trowbridge and Raiche.

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**HB 182**

relative to the power of Concord College to grant degrees. Ought to pass with amendment. Rep. Abbott for Education.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Concord College. Amend section 1, chapter 587, Laws of 1969, by striking out said section and inserting in place thereof the following: 587:1 The Concord College, formerly Concord Commercial College, an educational institution conducted in Manchester, New Hampshire is hereby authorized to confer upon the graduates thereof the degrees of associate in business administration and associate in computer science for the period from June 1, 1971 to June 30, 1973, subject to the continuing approval of the Coordinating Board of Advanced Education and Accreditation.

Amendment adopted.

Ordered to third reading.

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**HB 90**

relative to the purchase of waters or lands by the director of fish and game, and repealing the prohibition against transfers for such purposes. Ought to pass with amendment. Rep. Colburn for Environmental Quality and Agriculture.

## AMENDMENT

Amend said bill by renumbering section 3 as section 4 and inserting after section 2 the following new section:

3 New Facilities in Replacement of Merrimack Rearing Station. In the event the pending option for sale of the Merrimack Rearing Station and appurtenant land now under the jurisdiction of the fish and game department is exercised and the sale consummated, the funds received therefor shall be deposited with the state treasurer in the fish and game fund in a separate sub-account and shall be held by him for use by the fish and game department in the acquisition of land for and the construction of a new hatchery or rearing facilities in substitution for the property so sold. The director, subject to the approval of the governor and council, may expend the sum received in such sale, or so much thereof as may be necessary, for the purchase or acquisition of necessary lands or interests in land and the construction of necessary buildings, structures

and other facilities in replacement of the said Merrinack Rearing Station; any other provision of law to the contrary notwithstanding.

Amendment adopted.

Referred to Appropriations.

## HB 68

prohibiting the hunting or taking of albino deer, and defining the same. Ought to pass with amendment. Rep Oswell for Fish and Game.

Prohibits the hunting of deer primarily and predominantly white in color.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

prohibiting the hunting or taking of white deer,  
and defining the same.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Protection of White Deer. Amend RSA 208:2 (supp) as amended by 1955, 264:1; 1961, 254:1; 1963, 298:1 and 1965, 304:1 by inserting in line five after the word "ponds" the words (; and white deer shall not be hunted or taken at any time) so that said section as amended shall read as follows: 208:2 Taking; Time. Wild deer, outside game preserves, may be hunted and taken from one half hour before sunrise to one half hour after sunset from November 10 to the first Sunday in December, inclusive, provided that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds; and white deer shall not be hunted or taken at any time.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 White Deer Defined. Amend RSA 207:1 as amended by 1955, 277:5; 1959, 24:1; 72:1; 1961, 188:1 and 1965, 145:1 by inserting at the end thereof the following new paragraph: White

Deer: All deer which are primarily and predominantly white in color.

Amendment adopted.

Ordered to third reading.

### **HB 176**

authorizing the director of fish and game to promulgate regulations governing the taking of wild animals and wild birds. Inexpedient to legislate. Rep. Sawyer for Fish and Game.

This bill would give the director and commission unlimited power to set game laws. Would take the right of the General Court away to make fish and game laws.

Resolution adopted.

### **HB 133**

providing for workmen's compensation dependency payments. Ought to pass. Rep. Shulins for Labor, Human Resources and Rehabilitation.

Provides compensation insurance benefits to injured workmen's dependents not to exceed \$25 per week.

Ordered to third reading.

### **HB 194**

relative to payment of vacation wages. Ought to pass with amendment. Rep. Stevenson for Labor, Human Resources and Rehabilitation.

## **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Vacation Pay. Amend RSA 275:43 by inserting after paragraph II the following new paragraph: III. Vacation pay, when it is a matter of employment practice or policy, or both, shall be considered wages pursuant to RSA 275:42, III, when due.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 4**

prohibiting a person from holding at one time the offices of representative and county commissioner. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Resolution adopted.

**HB 170**

establishing the New Hampshire law enforcement academy and making an appropriation therefor. Inexpedient to legislate. Rep. Streeter for State Institutions.

Bill unnecessary. Subject matter covered by existing statutes.

Resolution adopted.

**HB 74**

to provide for absentee voting in primary elections. Ought to pass with amendment. Rep. Adams for Statutory Revision.

This bill extends the privilege of absentee voting to State and Presidential Primaries under the existing Election Laws.

### AMENDMENT

Amend RSA 60:26 as inserted by section 1 of the bill by striking out in line two the words "the primary" and inserting in place thereof the words (any primary) so that said section as amended shall read as follows:

60:26 When Permitted. Any voter who is absent from the city, town or place in which he is qualified to vote, on the day of any primary election, or who, by reason of physical disability, is unable to vote in person, may vote at said primary in accordance with the provisions of this subdivision.

Amend RSA 60:27, II as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

II. Blank form of application for such ballots worded as follows: To the city or town clerk of ..... I ..... hereby apply for an official absentee voting ballot, for the ..... party at the primary. I am a duly qualified voter, am registered as a member of the ..... party, or (I am now applying for a ..... ballot) and am entitled to vote

in ward ..... city or town ..... Mail absentee voter's ballot to .....

(Signature) .....

(Street and number) .....

(City or town, state and county) .....

Further amend the bill by striking out RSA 60:29 as inserted by section 1 of the bill and inserting in place thereof the following:

60:29 Ascertaining if Applicant is on Check-List. When an application for an official absentee voting ballot is received by the clerk of a city or town, whether on the form supplied by the secretary of state, or by written statement, or oral request containing the information required by paragraph II of section 27, said clerk shall check the same forthwith and ascertain if the person is on the check-list of the town or city, and is properly registered as to party designation. If such person is found to be on such check-list, and to be properly registered, or if such person is found to be on such check-list but is not registered as a member of any party but the information supplied states he is then applying for a ballot of a political party he shall be registered as a member of said party and in either case said clerk shall without delay deliver or mail to such person the papers described in paragraphs I, III and IV of section 27. If the address to which the absentee voter's ballot is sent is outside the continental United States or is in Alaska such papers shall be sent by air mail. Said clerk shall keep lists of the names and addresses, arranged by voting places, of all persons to whom official absentee voting ballots have been sent. Copies of said lists shall be open to inspection and shall be posted at the polling places during the day of election.

Further amend the bill by striking out RSA 60:30 as inserted by section 1 of the bill and inserting in place thereof the following:

60:30 Application of Statutes. The provisions of sections 5 to 15 inclusive of this chapter as amended shall apply to absentee voting at any primary election.

Amend section 6 of the bill by striking out said section and inserting the following new sections:

6 Filing Dates in Presidential Primaries. Amend RSA 58:3 by striking out in line five the word "sixty" and inserting in place thereof the following words (seventy-four) and by striking out in line six the word "forty" and inserting in place thereof the word (sixty) so that said section as amended shall read as follows: 58:3 Nomination Petition. The names of any persons to be voted upon for candidates for president and vice president shall be printed on the ballots solely on petition of New Hampshire voters of the same political party as the prospective candidates. The time limits for filing such petitions with the secretary of state shall be not more than seventy-four days nor less than sixty days before the primary. In order to qualify the name of any person to appear on such ballot, a petition in support of his candidacy must be signed by at least fifty qualified voters of each congressional district of the state. The petitions shall be in such form as may be prescribed by the secretary of state and shall contain an affirmation under the penalties for perjury that each signer is a qualified voter in his congressional district and is a member of the same political party as the proposed candidate. A separate petition shall be presented from each congressional district. The decision of the secretary of state as to the regularity of petitions shall be final.

7 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

#### **HB 152**

relative to erecting traffic control devices on public ways and to highway hazards from fixed objects. Inexpedient to legislate. Rep. Bridges for Transportation.

Future legislation to cover this and will better handle the problem.

Resolution adopted.

Rep. Merrill called for special order on HB 82.

#### **HB 82**

relative to the expenditure of funds in urban renewal programs. Inexpedient to legislate as amended.

Rep. Merrill moved that HB 82 be recommitted to Committee on Municipal and County Government, and spoke in favor of the motion.

Rep. Hanson spoke in favor of motion.

Adopted.

The Speaker announced that tomorrow is the 74th birthday of Rep. Angus.

Rep. George Roberts moved that the remainder of the calendar for today be held over until Tuesday, March 2nd.

Adopted.

On motion of Rep. Geo. Roberts, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Adopted.

### LATE SESSION

Third readings and passage by the House

HB 189, authorizing the general court to provide for the time and mode for submitting constitutional amendments proposed by it to the voters.

### RECONSIDERATION

Rep. Harvell, having voted with the majority, moved that the House reconsider its action whereby it passed HB 189, and spoke against the motion.

Motion lost.

HB 91, relating to investments of savings banks in real estate.

HB 18, relative to preparation of budget for University of New Hampshire.

### RECONSIDERATION

Rep. Vachon, having voted with the majority, moved that the House reconsider its action whereby it passed HB 18, and spoke against the motion.

Motion lost.

HB 68, prohibiting the hunting or taking of albino deer, and defining the same.

HB 182, relative to the power of Concord College to grant degrees.

HB 133, providing for workmen's compensation dependency payments.

HB 194, relative to payment of vacation wages.

HB 74, to provide for absentee voting in primary elections.

### SENATE MESSAGE

Senate acceded to House request for a committee of conference on:

HB 241, increasing for one year the temporary borrowing limit of the state.

The President appointed Senators R. Smith and Spanos.

(Speaker in the Chair)

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### BILLS DUE FOR REPORT AND NOT REPORTED Judiciary

HB 105, clarifying the commitment of juveniles.

### Municipal and County Governments

HB 110, providing for secret balloting upon questions at certain town meetings when requested by three voters.

The Speaker ordered these bills placed on the Calendar for March 4.

The next two Wednesdays will be Consent Calendar days.

### COMMITTEE OF CONFERENCE REPORT

HB 241, changing the dates for return of revenue to cities and towns, and providing for reimbursement for interest costs.

Report adopted.

See Senate Journal of Feb. 25th.

## ENROLLED BILLS REPORT

HB 241, changing the dates for return of revenue to cities and towns, and providing for reimbursement for interest costs.

Roxie A. Forbes  
For the Committee

On motion of Rep. Gordon the House adjourned at 7:30 P.M.

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*Tuesday, 2Mar71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

O GOD, our Father, who hast given us everything — life and liberty and love — and who requires nothing of us but our love; we lay before Thee our lives, purge from us our imperfections, take our abilities and show us how to put them to higher use. We lay before Thee our wealth as individuals and as a people; take our blessings and show us how to use them to Thy greater glory and our own deeper satisfaction. We lay before Thee our State and Nation, each with its glaring paradoxes; take our ideas of life and liberty and the pursuit of happiness and help us to share them as we share our bread with a world that hungers for more than bread. Bless our every endeavor today as we build a better world in your Name, O GOD. Amen.

Rep. Campbell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Brown, Bernard, Poehlman and LaChance, the day, illness.

Reps. James O'Connor and Blanchette, the week, illness.

Reps. Schwaner and Philip Heald, the day, important business.

Reps. Urie and Stimmell, the week, important business.

Rep. Varrill, indefinite, illness.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 353 through 380 and House Joint Resolutions numbered 28 through 30 and Concurrent Resolutions Proposing Constitutional Amendments numbered 20 through 24 shall be by this resolution read a first and second time by therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 353, establishing a junk car fee on motor vehicles. (Trowbridge of Cheshire Dist. 4 — To Public Works.)

HB 354, providing for the acquisition of a certain dam and water rights on Lake Skatutakee in the town of Harrisville by the water resources board and making an appropriation therefor. (Trowbridge of Cheshire Dist. 4 — To Resources, Recreation and Development.)

HB 355, increasing the salaries of classified state employees and making an appropriation therefor. (McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 356, to preserve the state's landscape and its gravel supply by taxing gravel, landfill and crushed stone sold for out-of-state use and making an appropriation therefor. (Maynard of Rockingham Dist. 24 — To Environmental Quality and Agriculture.)

HB 357, establishing an advisory committee for the continuing overview of operations of and in state parks and making an appropriation therefor. (Higgins of Grafton Dist. 2; Michels of Merrimack Dist. 19 — To Resources, Recreation and Development.)

HB 358, relative to school building aid for vocational education facilities and making an appropriation therefor. (Bowles of Rockingham Dist. 27 — To Education.)

HB 359, relative to the surveying of land transferred within the state. (Altman of Grafton Dist. 14 — To Public Works.)

HB 360, relative to the assessment of a resident tax for state and local purposes to replace the head tax. (Hanson of Merrimack Dist. 6 — To Ways and Means.)

HB 361, providing for overtime pay for classified employees of the state liquor commission and making an appropriation therefor. (McDonough of Hillsborough Dist. 32 — To Executive Departments and Administration.)

HB 362, to prohibit the use of public funds for the purpose of circumventing the wishes of parents in inculcating in their children sexual values, attitudes, and behavior. (Webster of Carroll Dist. 6 — To Education.)

HB 363, eliminating peace bonds in cases of appeals from conviction of driving while intoxicated or reckless driving. (Monier of Hillsborough Dist. 4; Bartlett of Merrimack Dist. 10 — To Judiciary.)

HB 364, creating the office of ombudsman and making an appropriation therefor. (Gordon of Merrimack Dist. 9 — To Executive Departments and Administration.)

HB 365, establishing the salary of the state entomologist. (Tirrell of Strafford Dist. 4 — To Executive Departments and Administration.)

HB 366, requiring a finding that certain facts exist before capital punishment may be imposed. (Bowles of Rockingham Dist. 27 — To Judiciary.)

HB 367, providing additional retirement allowances for certain retired teachers and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To Executive Departments and Administration.)

HB 368, regulating the sale of hypodermic syringes. (Knight of Hillsborough Dist. 4 — To Judiciary.)

HB 369, to assist in reducing the tax on real property by imposing a tax on the sale of tangible personal property and distributing a portion of the receipts to the cities and towns within the state of New Hampshire. (Noble of Merrimack Dist. 27 — To Ways and Means.)

HB 370 providing for the acquisition of a certain dam and water rights on the Contoocook River by the water resources board. (Murray of Hillsborough Dist. 7; Mann of Hillsborough Dist. 7 — To Resources, Recreation and Development.)

HB 371, relative to longevity payments to long service state employees and officials and making an appropriation therefor. (Woodward of Merrimack Dist. 26 — To Executive Departments and Administration.)

HB 372, relative to the policemen's retirement system. (Robinson of Hillsborough Dist. 35; Zachos of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 373, providing for reimbursement to fire and rescue companies for rescue operations in state parks and reservations and making an appropriation therefor. (Davis of Carroll Dist. 2 — To State Institutions.)

HB 374, providing for the acquisition of a certain dam and water rights on the Cocheco river in the city of Rochester by the water resources board and making an appropriation therefor. (Thompson of Strafford Dist. 11 — To Resources, Recreation and Development.)

HB 375, providing that the state instead of the county shall pay substitute judges of probate sitting because of the absence or inability to attend of the regular judge and making an appropriation therefor. (Clark of Strafford Dist. 4 — To Judiciary.)

HB 376, establishing a department of housing and making an appropriation therefor. (Michels of Merrimack Dist. 19 — To Resources, Recreation and Development.)

HB 377, relative to collective bargaining rights of public employees and providing an appropriation for their implementation. (Coutermarsh of Hillsborough Dist. 22; McDonough of Hillsborough Dist. 32; Hopkins of Grafton Dist. 16; Radway of Grafton Dist. 9 — To Executive Departments and Administration.)

HB 378, to create community rehabilitation facility programs and making an appropriation therefor. (Conley of Carroll Dist. 4; McLane of Merrimack Dist. 23; Raiche of Hills-

borough Dist. 34 — To Labor, Human Resources and Rehabilitation.)

HB 379, increasing the penalties for operating a motor vehicle after revocation or suspension of license. (Twardus of Rockingham Dist. 14 — To Transportation and Aeronautics.)

HB 380, to establish a state employees labor relations commission, and making an appropriation therefor. (MacDonald of Merrimack Dist. 25 — To Executive Departments and Administration.)

HJR 28, in favor of Mrs. Ada F. Stewart. (Clark of Rockingham Dist. 8 — To Claims, Military and Veterans Affairs.)

HJR 29, appropriating additional funds to be used by the bureau of maternal and child health, division of public health, department of health and welfare to administer maternal and child care programs. (Cochrane of Strafford Dist. 4 — To Public Health and Welfare.)

HJR 30, in favor of the North Conway fire department for rescue operations. (Davis of Carroll Dist. 2 — To State Institutions.)

CACR 20, Relating to: Decreasing the Membership of the House and Providing for Apportionment, and Providing that: The Membership of the House Shall be Not Less Than One Hundred Seventy-five or More than Two Hundred and Providing for Apportionment. (Forcier of Cheshire Dist. 6 — To Constitutional Revision.)

CACR 21, Relating to: Establishing a two year term for Attorney General, Providing that: The Attorney General shall be Elected Biennially for a two year term. (Gordon of Merrimack Dist. 9 — To Constitutional Revision.)

CACR 22, Relating to: Taxation of Corporations, Providing that: Corporations are subject to taxation. (Stevenson of Grafton Dist. 1; Coutermarsh of Hillsborough Dist. 22; Bednar of Hillsborough Dist. 23; Andrews of Merrimack Dist. 1 — To Constitutional Revision.)

CACR 23, Relating to: Decreasing the Membership of the House, Increasing the Membership of the Senate, Changing Senate Quorum Requirements, and Providing for Apportionment, and Providing that: The Membership of the House Shall

be Decreased to One Hundred Sixty, the Membership of the Senate Shall be Increased to Forty, Changing Senate Quorum Requirements, and Providing for Apportionment. (Parker of Hillsborough Dist. 15 — To Constitutional Revision.)

CACR 24, Relating to: Establishment of the office of Lieutenant Governor and abolishment of the council, Providing that: A Lieutenant Governor shall be elected who shall perform such duties as designated by the Governor and Providing that: the council shall be abolished. (Parker of Hillsborough Dist. 15 — To Constitutional Revision.)

## COMMITTEE REPORTS

### HB 243

relative to establishing a junior college system in the state and making an appropriation therefor. Inexpedient to legislate. Rep. Abbott for Education.

Although the committee is not opposed to the concept of the bill, it feels this is not the right time to take favorable action. One reason is the lack of State funds available for the purpose at this time; a second reason is that two studies are presently under way concerning the State's higher education structure: (1) a study funded by a Federal grant being conducted by the coordinating Board of Advanced Education and Accreditation and (2) a study being conducted by Educational Research and Services, Inc., Bedford, N. H.

Resolution adopted.

### HB 138

expanding the substances controlled by the economic poisons law and broadening the powers of the commissioner to control said substances. Ought to pass with amendment. Rep. Colburn for Environmental Quality & Agriculture.

Clarifies, extends, tightens control of economic poisons.

## AMENDMENT

Amend RSA 438:10, II as inserted by section 6 of the bill by striking out said paragraph and inserting in place thereof the following:

II. The commissioner shall adopt the list of "restricted use pesticides" adopted by the pesticides control board as defined in RSA 149-D:2 for the state or for designated areas within the state. The commissioner may by regulation specify the time and conditions of sale or distribution of such 'restricted use pesticides' and may, if he deems it necessary to carry out the provisions of this chapter, require that any or all "restricted use pesticides" shall be purchased and possessed only under permit of the commissioner and under his direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations: provided, that any person licensed to sell such economic poisons may purchase and possess such economic poisons without a permit.

Amendment adopted.

Ordered to third reading.

#### **HB 177**

to assign responsibility for the conduct of aerial surveys to the department of resources and economic development, and making appropriations therefor. Ought to pass with amendment. Rep. Colburn for Environmental Quality & Agriculture.

Self explanatory.

#### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

relative to aerial surveys and making  
an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Authorization by Governor and Council to Provide for Aerial Surveys. Amend RSA 2:1 by striking out in line two the words "an aerial survey" and inserting in place thereof the words (aerial surveys) so that said section as amended shall read as follows: 2:1 Aerial Surveys. The governor, with the advice and consent of the council, is hereby authorized to provide for making aerial surveys of the state of New Hampshire in such manner and of such character as best may serve the interests of the state and its people.

2 Storage of Negatives. Amend RSA 2:2 by striking out said section and inserting in place thereof the following: 2:2 Custody of Survey. The negatives of such survey shall be stored at a commercial photographic laboratory qualified to provide contact prints, enlargements and screened transparent positive photographic enlargements to federal, state and local agencies and the general public.

3 Prints. Amend RSA 2:3 by striking out said section and inserting in place thereof the following: 2:3 Disposal of Prints. The department of resources and economic development shall maintain one set of contact prints and index photos of the statewide aerial photography for use by the general public and shall furnish to each county extension office one set of contact prints and photo index of the respective county.

4 Repeal. RSA 2:4 relative to establishment of aerial survey fund is hereby repealed.

5 Acceptance of Financial and Other Assistance. Amend RSA 2:5 by striking out said section and inserting in place thereof the following: 2:5 Cooperation with Other Agencies. The governor, with the advice and consent of the council is hereby authorized to cooperate with and accept financial and other assistance from agencies of the state government, agencies of the government of the United States and private sources in the conduct of said aerial surveys.

6 Department of Resources and Economic Development. Amend RSA 2 by inserting after section 5 the following new section: 2:6 Administration of Surveys. The statewide aerial surveys shall be administered by the department of resources and economic development, which shall serve as a records center to record the availability of photography for use by state and local governments and the public. Specialized aerial photography for special purposes required by other state agencies shall be procured and administered by those agencies within such funds as may be available to them.

7 Appropriation. A sum not exceeding thirty-two thousand dollars is hereby appropriated for the purpose of conducting aerial surveys for contact prints and index photos of the seven southern counties of the state. Said appropriation shall be a charge against the general fund and shall be carried in a sep-

arate account as established by the state comptroller and shall be non-lapsing. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

#### **HB 178**

to appropriate funds for the conduct of an intensified forest inventory of the state, and making an appropriation therefor. Rep. Colburn for Environmental Quality & Agriculture.

Provides additional comprehensive details on a county basis.

Referred to Appropriations.

#### **HB 124**

relative to the salary of the Merrimack county attorney. Ought to pass with amendment. Rep. Charles Cheney for Merrimack County Delegation.

#### **AMENDMENT**

Amend the bill by striking out section 2 which reads "2 Effective Date. This act shall take effect sixty days after its passage." and inserting in place thereof the following:

3 Effective Date. This act shall take effect January 1, 1972.

Rep. Hanson explained the amendment.

Amendment adopted.

Ordered to third reading.

#### **HB 121**

relative to highway markings. Inexpedient to legislate. Rep. Charles Cummings for Public Works.

Uncertainty of affect on this bill on the traveling public with no compelling positive reason shown led the committee to its recommendation.

Resolution adopted.

**HB 107**

changing the classification of Pleasant Lake in the town of New London. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for changing the classification  
of Pleasant Lake in the town of New London.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Reclassification. On or after the effective date of this act, at such time as it shall be demonstrated to the satisfaction of the water supply and pollution control commission that the waters of Pleasant Lake in the town of New London meet the quality standards established for class A waters, the waters of said lake shall be so reclassified to class A and subject to the standards enumerated in RSA 149:3, I. The water supply and pollution control commission shall issue a suitable proclamation at the time of such establishment.

Amendment adopted.

Ordered to third reading.

**HB 118**

changing the classification of Little Lake Sunapee. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for changing the classification of Little Lake Sunapee.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Reclassification. On or after the effective date of this act, at such time as it shall be demonstrated to the satisfaction of the water supply and pollution control commission that the waters of Little Lake Sunapee in the towns of New London, Springfield, Sunapee and Newbury meet the quality standards established for class A waters, the waters of said lake shall be so reclassified to class A and subject to the standards enumerated in RSA 149:3, I. The water supply and pollution control commission shall issue a suitable proclamation at the time of such establishment.

Amendment adopted.

Ordered to third reading.

### **HB 206**

relative to the director and deputy director of the New Hampshire distributing agency. Ought to pass with amendment. Rep. Lemieux for State Institutions.

This is a so-called housekeeping bill, necessitated by Federal Directives, and occasions no cost to the state.

### **AMENDMENT**

Amend the bill by striking out section 3 and renumbering sections 4 and 5 to read 3 and 4 respectively.

Amendment adopted.

Ordered to third reading.

### **SB 7**

permitting persons convicted of certain sex crimes to waive psychiatric observation, and removing the minimum time for which they may be so committed. Ought to pass. Rep. MacDonald for Statutory Revision.

This bill changes the current law only to the point of allowing a defendant to waive with the court's permission mandatory observation.

Ordered to third reading.

### **HB 116**

increasing the salary of the Strafford county attorney and empowering the Strafford county convention to set the salaries

of certain county officers. Ought to pass with amendment. Rep. Shirley Clark for Strafford County Delegation.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Strafford County Attorney. Amend RSA 7 by inserting after section 35-e (supp) as inserted by 1970, 39:5 the following new section: 7:35-f Strafford County Attorney. The annual salary for the Strafford county attorney shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than seventy-five hundred dollars and it shall be effective on January first of the year specified by vote of the convention.

2 Treasurer. Amend RSA 29 by inserting after section 14-c (supp) as inserted by 1969, 490:8 the following new section: 29:14-d Strafford County Treasurer. The annual salary of the Strafford county treasurer shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than seven hundred and fifty dollars and it shall become effective on January first of the year specified by vote of the convention.

3 County Commissioners. Amend RSA 28 by inserting after section 28-d (supp) as inserted by 1970, 39:9 the following new section: 28:28-e Strafford County Commissioners. The annual salary of the Strafford county commissioners shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than two thousand dollars and it shall become effective on January first of the year specified by vote of the convention.

4 Strafford County Sheriff. Amend RSA 104:29, VIII (supp) as inserted by 1967, 312:1 by striking out in lines one and two the words "nine thousand five hundred dollars" and inserting in line one after the words "shall be" the words (established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than nine thousand five hundred dollars and it shall be effective on January first of the year specified by vote of the convention)

and by striking out in line seven the words "superior court" and inserting in place thereof the words (county commissioners) so that said paragraph as amended shall read as follows: VIII. In Strafford the annual salary of the sheriff shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than nine thousand five hundred dollars and it shall be effective on January first of the year specified by vote of the convention. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of the county commissioners. For the service of civil writs and other processes which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other processes served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

5 Strafford Deputy Sheriffs. Amend RSA 104 by inserting after section 31 the following new section: 104:31-a Reports. The chief deputy, all deputy sheriffs and special deputy sheriffs of Strafford county shall report annually to the sheriff the number of civil writs and other processes served, and said reports shall include the total amounts collected in fees and mileage charges. Such annual reports shall be incorporated into the sheriff's annual report to the county commissioners.

6 Strafford County Register of Deeds. Amend RSA 478:18 (supp) as amended by 1967, 442:1 and 1969, 402:1 by striking out said section and inserting in place thereof the following: 478:18 Salary. The annual salary of the register of deeds for Strafford county shall be established by the Strafford county convention at the same time and in the same manner as the county budget is approved at a rate of not less than nine thousand dollars and it shall become effective on January first of the year specified by vote of the convention. Said salary shall be paid in equal monthly installments.

### 7. Repeal.

I. RSA 7:35, IX (supp) as amended by 1969, 30:1, relative to the salary of Strafford county attorney, is hereby repealed.

II. RSA 29:14, IX (supp) as inserted by 1969, 30:2, relative to the salary of the Strafford county treasurer, is hereby repealed.

III. RSA 28:28, IX (supp) as inserted by 1969, 30:3, relative to the salary of the Strafford county commissioners, is hereby repealed.

8 Effective Date. Sections 1, 2, 3, 4, 5, 6, and 8 shall take effect upon passage. Section 7 shall take effect when the county convention has exercised the authority granted to it by sections 1, 2 and 3.

Amendment adopted.

Ordered to third reading.

### HB 94

relative to payment of certain expenses of the Lebanon regional airport authority, and making an appropriation therefor. Ought to pass with amendment. Rep. Hamel for Transportation.

Amendment provides \$6400 for Lebanon Airport operation and maintenance which will be paid back to the state out of the Air Carrier Service fee now being held in escrow.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

appropriating funds to assist the Lebanon Regional Airport Authority.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. In addition to any other appropriations for the aeronautics commission there is hereby appropriated the sum of six thousand four hundred dollars for the purpose of assisting the Lebanon Regional Airport Authority in costs of

operation and maintenance of the Lebanon Regional Airport from January 1 through June 30, 1971. The governor is hereby authorized to draw his warrant for the additional appropriation out of any money in the treasury not otherwise appropriated.

2 Condition of Appropriation. Funds hereby appropriated shall be a charge against scheduled air carrier service fees originating at Lebanon Regional Airport and to be allocated to the Lebanon Regional Airport Authority in accordance with the provisions of RSA 422:43 as amended by Chapter 391, Laws of 1969. One-half of amounts available for return to the Lebanon Regional Airport shall be retained by the State Treasurer until the sum of six thousand four hundred dollars has accumulated. This amount shall represent repayment, in full, of the appropriation herein provided and said funds hereby accumulated shall be transferred to the general fund account of the State.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

### **HB 73**

enabling the state of New Hampshire to participate in Federal Food Stamp Program and making an appropriation therefor, was withdrawn by committee.

### **HB 15**

relative to the practice of public accountancy and making an appropriation therefor, was withdrawn by committee.

### **HB 131**

relative to operation of liquor stores on holidays, was withdrawn by committee.

### **HB 145**

providing that at any state institution of higher learning there shall be dismissal of faculty members rioting or inciting to riot and loss of public funds by students inciting to riot or expulsion if involved in riots or take over of buildings. Majority: Inexpedient to legislate, Rep. Abbott for Education; Minority: Ought to pass, Reps. Lagroe, Lawton, Boucher.

Committee majority feels that present state laws are more than adequate to deal with riots or incitements to riot. Committee minority feels that the bill ought to pass.

Rep. Lagroe moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Rep. Bowles, Chairman of Education committee, yielded to Rep. James O'Neil who spoke against the motion.

Rep. Read spoke in favor of the motion.

(discussion)

Reps. Zachos, Coutermarsh, David Bradley, Menge and Charles Roberts spoke against the motion.

Reps. Lawton, Elmer Johnson, Wilfrid Boisvert, Webster, Monier and Richard Bradley spoke in favor of the motion.

Rep. Dion moved the previous question; sufficiently seconded.

The question being, shall the main question now be put.  
Adopted.

Rep. Boucher requested the yeas and nays and subsequently withdrew his request and requested a division.

151 members having voted in the affirmative and 141 in the negative, the motion carried.

The question is whether or not to order HB 145 to third reading.

Rep. Webster requested a division.

166 members having voted in the affirmative and 134 in the negative, HB 145 was ordered to third reading.

Rep. Michels wished to be recorded as voting against HB 145.

RECESS

## AFTER RECESS

Rep. Roma Spaulding moved that the order whereby HB 334, relative to the commitment of drug dependent persons was referred to the Committee on Public Health and Welfare be vacated and referred to the Committee on Judiciary.

Adopted.

Rep. Shirley Clark moved that the order whereby HB 326, relative to the regulation of credit investigators was referred to the Committee on Executive Departments and Administration be vacated and referred to the Committee on Banks and Insurance.

Adopted.

Rep. Shirley Clark moved that the order whereby HB 340, relative to the N. H. retirement system was referred to the Committee on Executive Departments and Administration be vacated and referred to the Committee on Appropriations.

Adopted.

## SENATE MESSAGE

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 24, relative to state bridge and town bridge aid. — To Public Works.

SB 51, providing for the commissioners of safety and education to devise standards for the conduct of driver education courses and to eliminate restricted instruction permits for fifteen year olds. — To Transportation.

SB 40, relative to petitioning for articles to be placed in town warrant. — To Municipal and County Government.

## BILLS DUE FOR REPORT (RULE 57) AND NOT REPORTED:

Municipal and County Government

HB 82, relative to expenditure funds in urban renewal programs.

### Public Works

HB 115, relative to control of junkyards on the interstate, federal-aid primary, and turnpike highway systems.

### Strafford County Delegation

HB 130, increasing the salary of the Strafford county sheriff.

Rep. Zachos requested a six day extension on HB 105, clarifying the commitment of juveniles. Granted.

## COMMITTEE REPORTS CONTINUED

### HB 166

providing for election of members of town planning boards. Inexpedient to legislate. Rep. Benton for Municipal and County Government.

Felt not necessary because over 200 towns have Planning Boards. Appointing officials are elected.

Rep. Menge moved that the words, ought to pass, be substituted for the committee report inexpedient to legislate, and spoke in favor of his motion.

Reps. Allen and Claflin spoke against the motion.

Motion lost.

Resolution adopted.

### HB 157

providing that the practice of issuing free passes to state parks be discontinued. Majority: Inexpedient to legislate, Rep. MacDonald for Statutory Revision; Minority: Ought to pass, Rep. Forcier.

The majority of the committee felt that the current statute allowing the commissioner of DRED to issue a limited amount of free passes was being followed and enforced properly. The committee felt that in relation to legislators' free passes each member should be allowed to follow his own guidelines.

Rep. Forcier moved that the Minority report ought to pass be substituted for the committee report inexpedient to legislate and spoke in favor of his motion.

Rep. Forcier withdrew his motion.

Rep. Belzil moved that the Minority report ought to pass be substituted for the committee report inexpedient to legislate and spoke in favor of her motion.

Rep. MacDonald spoke against the motion.

(discussion)

Reps. Coutermarsh and George Roberts spoke against the motion.

Rep. Mallat moved the previous question; sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

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#### **HB 160**

abolishing free passes issued by race tracks in the state. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

The committee felt that the track itself, which is a private corporation, should decide to whom it would issue free passes.

Resolution adopted.

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#### **HB 162**

limiting toll-free use of highways by legislators to legislative days. Majority: Inexpedient to legislate, Rep. MacDonald for Statutory Revision; Minority: Ought to pass with amendment, Reps. Glavin, Murray and Forcier.

The majority of the committee felt that the current statute is working well.

Rep. Murray moved that the Minority report, ought to pass, be substituted for the Majority report, inexpedient to legislate and spoke in favor of his motion.

Rep. Belanger moved that HB 162 be indefinitely postponed and spoke in favor of his motion.

Reps. Wilfrid Boisvert, Brungot and Hayes spoke in favor of the motion.

Rep. Donald Chase moved the previous question; sufficiently seconded.

Adopted.

Motion to indefinitely postpone adopted.

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Rep. Trowbridge moved that the rules be so far suspended that, (1) on appropriation and revenue bills and CACR's, sufficient information may be supplied to Legislative Services through Thursday March 4, and if the information is not then supplied the request shall be dead and the bill not be drafted unless approved by the Rules Committee. (2) Appropriation and revenue bills and CACRs may be introduced until Thursday March 18.

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Adopted.

Rep. Malcolm Stevenson moved that the House meet tomorrow at 1:00 o'clock.

Adopted.

## RESOLUTION

On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 1:00 o'clock.

Adopted.

## LATE SESSION

Third reading and passage by House

SB 7, permitting persons convicted of certain sex crimes to waive psychiatric observation and examination, and removing the minimum time for which they may be so committed.

HB 116, increasing the salary of the Strafford county at-

torney and empowering the Strafford county convention to set the salaries of certain county officers.

HB 206, relative to the director and deputy director of the New Hampshire distributing agency.

HB 118, providing for changing the classification of Little Lake Sunapee.

HB 138, expanding the substances controlled by the economic poisons law and broadening the powers of the commissioner to control said substances.

HB 124, relative to the salary of the Merrimack county attorney.

HB 107, providing for changing the classification of Pleasant Lake in the town of New London.

HB 145, providing that at any state institution of higher learning there shall be dismissal of faculty members rioting or inciting to riot and loss of public funds by students inciting to riot or expulsion if involved in riots or take over of buildings.

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Rep. Bowles moved that HB 145 be indefinitely postponed and spoke in favor of the motion.

Reps. Lawton and Read spoke against the motion.

(discussion)

Rep. Zachos spoke in favor of the motion.

Rep. Malcolm Stevenson moved the previous question; sufficiently seconded.

Adopted.

On a vv the Speaker was in doubt and requested a division.

143 members having voted in the affirmative and 186 in the negative, the motion lost.

## RECONSIDERATION

Rep. Read, having voted with the majority, moved that the House reconsider its action whereby it passed HB 145, provid-

ing that at any state institution of higher learning there shall be dismissal of faculty members rioting or inciting to riot and loss of public funds by students inciting to riot or expulsion if involved in riots or take over of buildings, and spoke against the motion.

Motion lost.

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### QUALIFIED

R. John Shortlidge, Jr. of Keene — Ward 4, Cheshire County District No. 16 took and subscribed the oath of office for Representative to the General Court before the Governor and Council on February 26, 1971.

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### COMMITTEE CHANGES

Rep. Arthur Bouchard on Fish and Game and off Resources, Recreation and Development.

Rep. R. John Shortlidge, Jr. on Resources, Recreation and Development.

Rep. R. John Shortlidge, Jr. and Rep. John Gemmill on Legislative Administration.

Rep. Shortlidge has been assigned seat 4-69.

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On motion of Rep. Allen the House adjourned at 4:19 p.m. to meet at 1:00 o'clock tomorrow.

*Wednesday, 3Mar71*

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD — free us from complacency, that we may search; free us from ignorance, that we may understand; free us from disturbing frustrations, that we may find peace; free us from selfishness, that we may share; free us from narrow prejudice, that we may relate; free us from indifference, that we may care; free us from hatred, that we may love; free us from aimlessness, that we may live; free us from “god-making,” that we may know You better; free us from ego-pride, that we may come before You in humility, receptive to Your Will and Way as we undertake our legislative responsibilities. Amen.

Rep. McCuin led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Brown, the week, illness.

Rep. David Bradley, today and tomorrow, important business.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 381 through 411 and House Joint Resolutions numbered 31 through 33 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HJR 31, providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention. (Bowles of Rockingham Dist. 27 — To Constitutional Revision.)

HJR 32, making an appropriation for the purchase and installation of an electronic roll call system for the house of representatives. (Bowles of Rockingham Dist. 27 — To Appropriations.)

HJR 33, to reimburse Edward Hebert for loss of his automobile. (Lovell of Rockingham Dist. 6 — To Claims, Military and Veterans Affairs.)

HB 381, imposing a tax on the income of individuals. (Menge of Grafton Dist. 8 — To Ways and Means.)

HB 382, to impose a tax on income and on retail sales. (Nutt of Grafton Dist. 9 — To Ways and Means.)

HB 383, imposing a personal income tax, repealing the tax on interest and dividend income, repealing the commuters income tax, repealing the poll tax and related statutes, providing additional return of revenue to the cities and towns and providing for property tax relief and stabilization. (O'Neil of Cheshire Dist. 12 — To Ways and Means.)

HB 384, to extend the insurance premium tax to include hospital service corporations. (Robinson of Hillsborough Dist. 35 — To Ways and Means.)

HB 385, to provide for regulation of electricians and electrical installations. (Tilton of Grafton Dist. 1; Moran of Cheshire Dist. 16; LeMott of Grafton Dist. 6; Blain of Grafton Dist. 15 — To Executive Departments and Administration.)

HB 386, increasing the fees for licenses and permits for the sale of liquor and beer. (Sirois of Hillsborough Dist. 21; Enright of Merrimack Dist. 7; Dion of Hillsborough Dist. 29 — To Liquor Laws.)

HB 387, extending the time within which pari-mutuel pools may be sold. (Gelt of Rockingham Dist. 7 — To Statutory Revision.)

HB 388, relative to town liability for dog damage. (Michels of Merrimack Dist. 19 — To Municipal and County Government.)

HB 389, creating a homestead exemption to local property taxes, providing for reimbursement to towns and cities for revenue lost thereby and making an appropriation therefor. (Levy of Rockingham Dist. 28 — To Ways and Means.)

HB 390, imposing an income tax to reimburse towns and cities for revenue lost because of tax exemptions to the elderly providing tax relief for the elderly and making an appropriation therefor. (Clark of Strafford Dist. 4 — To Ways and Means.)

HB 391, requiring selectmen's approval before a foster child is placed in a home located within the town. (Gordon of Merrimack Dist. 9 — To Municipal and County Government.)

HB 392, lowering the age of majority from twenty-one to eighteen years of age. (Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 393, providing for arbitration in labor grievances involving city employees. (McDonough of Hillsborough Dist. 32 — To Labor, Human Resources and Rehabilitation.)

HB 394, to change the name of the water supply and pollution control commission. (Greene of Rockingham Dist. 22 — To Resources, Recreation and Development.)

HB 395, providing overtime pay for classified state employees and making an appropriation therefor. (McDonough of Hillsborough Dist. 32 — To Executive Departments and Administration.)

HB 396, establishing the salary grades of certain social workers. (Raiche of Hillsborough Dist. 34; McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 397, increasing the registration fee for motor vehicles, boats and snow traveling vehicles. (Sirois of Hillsborough Dist. 21 — To Transportation and Aeronautics.)

HB 398, providing for the purchase of state employees' uniforms by the state and making an appropriation therefor. (McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 399, increasing the percentage rate of the room and meals tax and exempting meals less than one dollar. (Gordon of Merrimack Dist. 9; Chevette of Hillsborough Dist. 34; Gama-che of Merrimack Dist. 8; Bartlett of Merrimack Dist. 10; Wil-son of Merrimack Dist. 25 — To Ways and Means.)

HB 400, providing for an increase in the motor vehicle road tolls. (Trowbridge of Cheshire Dist. 4 — To Ways and Means.)

HB 401, prohibiting amendments to the zoning laws where adequate notice thereof has not been given. (Sayer of Rockingham Dist. 7 — To Municipal and County Government.)

HB 402, making an appropriation for the erection of historical markers on highways. (Brunner of Grafton Dist. 4; Bowles of Rockingham Dist. 27 — To Public Works.)

HB 403, providing for a commission to study the state constitution and making an appropriation therefor. (Bowles of Rockingham Dist. 27 — To Constitutional Revision.)

HB 404, relative to a state scholarship program for students who are residents and attending post secondary educational institutions in this state, and making an appropriation therefor. (Hall of Hillsborough Dist. 13 — To Education.)

HB 405, providing for comprehensive mental health centers and making an appropriation therefor. (Zachos of Hillsborough Dist. 34; O'Neil of Rockingham Dist. 7 — To Public Health.)

HB 406, providing for procedures for the funding of sewer projects by the state. (Maynard of Rockingham Dist. 24; Robinson of Hillsborough Dist. 35 — To Resources, Recreation and Development.)

HB 407, to clarify the aircraft operating fee formula. (Coutmarsh of Hillsborough Dist. 22; Nutt of Grafton Dist. 9 — To Claims, Military and Veterans Affairs.)

HB 408, establishing an election fund to be the sole source of funding for gubernatorial campaigns. (Altman of Grafton Dist. 14 — To Statutory Revision.)

HB 409 increasing the additional retirement allowances for state employees who retired prior to July 1, 1961 and making an appropriation therefor. (Glavin of Merrimack Dist. 26 — To Executive Departments and Administration.)

HB 410, providing additional retirement allowances for state police who retired subsequent to July 1, 1961 and prior to January 1, 1968 and making an appropriation therefor.

(Glavin of Merrimack Dist. 26 — To Executive Departments and Administration.)

HB 411, providing shift differential compensation for state employees and making an appropriation therefor. (MacDonald of Merrimack Dist. 25 — To Executive Departments and Administration.)

### ENROLLED BILLS REPORT

SB 7, permitting persons convicted of certain sex crimes to waive psychiatric observation and examination, and removing the minimum time for which they may be so committed.

Roxie A. Forbes  
For the Committee

### BILLS DUE FOR REPORT (RULE 57) AND NOT REPORTED:

#### Public Health and Welfare

HB 73, enabling the state of New Hampshire to participate in the Federal Food Stamp Program and making an appropriation therefor.

#### Executive Departments and Administration

HB 15, relative to the practice of public accountancy and making an appropriation therefor.

#### Liquor Laws

HB 131, relative to operation of liquor stores on holidays.

### CONSENT CALENDAR DAY COMMITTEE REPORTS

#### HB 113

increasing the allowable limit for a veterans funeral to one thousand dollars before being disqualified for the one hundred dollar payment from the state. Ought to pass. Rep. Hood for Claims, Military and Veterans Affairs.

This bill does not change the amount paid. It only raises the maximum funeral cost under which the \$100 may be paid.

Referred to Appropriations.

**HB 204**

to increase the minimum pay of members of the national guard while on active state duty. Inexpedient to legislate. Rep. Hood for Claims, Military and Veterans Affairs.

Majority feels that rank has privileges and that this bill would create a situation where all enlisted men and lower grade officers would receive the same pay.

Minority feels that pay should be more in line with civilian pay lost while on state duty.

Resolution adopted.

**HB 151**

to appropriate funds for the control of white pine blister and to place responsibility for the conduct of the program with the division of resources development. Ought to pass. Rep. Colburn for Environmental Quality and Agriculture.

Self explanatory.

Referred to Appropriations.

**HB 179**

requiring meat slaughterhouses to pay the cost of inspections conducted outside of regular business hours. Ought to pass. Rep. Colburn for Environmental Quality and Agriculture.

Self explanatory.

Ordered to third reading.

**HB 186**

relating to an interstate boundary commission for the marine boundary between New Hampshire and Maine. Ought to pass. Rep. Frizzell for Judiciary.

A feasible way to settle the Maine-New Hampshire boundary from Portsmouth out to the limit of state jurisdiction.

Referred to Appropriations.

**HB 184**

establishing within the division of welfare a fair hearings unit and making an appropriation therefor. Inexpedient to legislate. Rep. Bernard for Public Health and Welfare.

Present statutes adequately cover for fair hearings appeals.  
This appropriation is unnecessary.

Resolution adopted.

**HB 224**

relative to number of ballots to be printed for primary elections. Ought to pass. Rep. Burleigh for Statutory Revision.

To allow printing of ballots for any new party.

Ordered to third reading.

**HB 245**

prohibiting the use of studded tires on vehicles during the period from April first to November first of any year. Inexpedient to legislate. Rep. Hamel for Transportation.

Committee felt no legislation should be enacted on this subject until current research projects are completed.

Resolution adopted.

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On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

**LATE SESSION**

Third readings and passage by House

HB 179, requiring meat slaughterhouses to pay the cost of inspections conducted outside of regular business hours.

HB 224, relative to number of ballots to be printed for primary elections.

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Today is the birthday and 35th wedding anniversary of Rep. Dorothy Davis.

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Yesterday was the 40th birthday of Rep. Lawton.

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On motion of Rep. Wilfrid Boisvert the House adjourned at 1:18 p.m.

*Thursday, 4Mar71*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Rudolfo Acosta, Ecumenical Baptist Church, Republic of the Philippines.

Eternal God, Thou who in the days of yore gave to Thy children through Thy servant Moses, a man of vision, Thy laws and statutes so they could live together in peace, in unity, and in love for one another, we thank Thee that Thou hast seen fit to send us men of like vision, and possessed of that same wisdom to interpret Thy laws as they affect our lives in this day and age.

Grant that with the passing of the years Thy truth may not cease to throb in our hearts and to open new avenues of human concern to the end that we, too, might live together harmoniously and peacefully under a regime of justice and equality.

We pray in the name of Him who is the Way, the Truth, and the Life. AMEN.

Rep. Arthur Peabody led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Ruth Griffin, Charles Cummings, Greene, Hammond, Altman, Roger Duhaime, Simard, Vey, George Cheney, Ernest Clark, Randall, Churchill, Wuelper, Nutt and Tarr, today, weather.

Reps. Mallat and Cate, today, illness.

Rep. Halvorson, indefinite, illness.

#### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 412 through 450 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading &amp; referral

HB 412, relative to the date on which foundation aid shall be paid. (Cate of Merrimack Dist. 20 — To Education.)

HB 413, providing that any person assessed and having paid a real property tax shall pay the same fish and game licensing fees as residents. (Merrill of Grafton Dist. 13 — To Fish and Game.)

HB 414, establishing separate license requirements for hunting game birds. (Merrill of Grafton Dist. 13 — To Fish and Game.)

HB 415, to establish a permanent governor's committee on children and youth and making an appropriation therefor. (Parker of Hillsborough Dist. 15 — To Labor, Human Resources and Rehabilitation.)

HB 416, relative to administrative functions of certain regulatory boards, and making an appropriation therefor. (Michels of Merrimack Dist. 19 — To Executive Departments and Administration.)

HB 417, relative to students civil rights. (Boisvert of Hillsborough Dist. 20; Stevenson of Grafton Dist. 1; Parker of Hillsborough Dist. 15 — To Judiciary.)

HB 418, relative to the disposal of certain construction and industrial wastes. (Clark of Strafford Dist. 4 — To Environmental Quality and Agriculture.)

HB 419, relative to supplies for discharged prisoners. (Rules Committee for Roberts of Belknap Dist. 6; Spirou of Hillsborough Dist. 31 — To Labor, Human Resources and Rehabilitation.)

HB 420, making an appropriation for the purchase of an aircraft for use by departments and agencies of the state. (Coutermarsh of Hillsborough Dist. 22 — To Transportation and Aeronautics.)

HB 421, reenacting sections of the stock in trade law, providing a tax on equipment, and providing certain penalties. (Boisvert of Hillsborough Dist. 20 — To Ways and Means.)

HB 422, authorizing the commissioner of education to make a study of the financial aid formulas for elementary and secondary education. (Cobleigh of Hillsborough Dist. 15 — To Education.)

HB 423, providing for the acquisition of a certain dam and water rights on Downing Pond. (Smith of Strafford Dist. 2 — To Public Works.)

HB 424, to establish the position of tax field agent in the office of the tax commission. (Woodward of Merrimack Dist. 26 — To Executive Departments and Administration.)

HB 425, relative to conveyances of real estate. (Colburn of Hillsborough Dist. 5 — To Municipal and County Government.)

HB 426, clarifying the powers of assistant moderators to administer oaths. (Mann of Grafton Dist. 6 — To Statutory Revision.)

HB 427, providing for and increasing the additional retirement allowances for state police who retired prior to July 1, 1961 and making an appropriation therefor. (Glavin of Merrimack Dist. 26 — To Executive Departments and Administration.)

HB 428, relative to proof of residency by applicants for admission to state institutions of higher learning. (Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 429, prohibiting the governor and council from naming certain natural and man-made formations in the state. (Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 430, providing for the acquisition of certain dams and water rights on the Hays Brook and Cocheco River in the town of New Durham. (Smith of Strafford Dist. 2 — To Public Works.)

HB 431, providing additional cost of living retirement allowances for state employees who retired subsequent to July 1, 1961 and prior to January 1, 1968 and making an appropriation therefor. (Glavin of Merrimack Dist. 26 — To Executive Departments and Administration.)

HB 432, relative to the rabies control law. (Lee of Coos Dist. 3 — To Fish and Game.)

HB 433, relative to safeguarding the public health. (Andrews of Merrimack Dist. 1 — To Public Health and Welfare.)

HB 434, repealing the statute permitting time trials of motor vehicles in Rollins State Park. (Hamel of Rockingham Dist. 17 — To Transportation and Aeronautics.)

HB 435, establishing a state department of children and youth services, and making an appropriation therefor. (Raiche of Hillsborough Dist. 34; Cobleigh of Hillsborough Dist. 15 — To Labor, Human Resources and Rehabilitation.)

HB 436, permitting any member of the general court to examine certain files of state colleges, universities and vocational schools. (Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 437, permitting members of the general court to examine certain tax files. (Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 438, requiring posting of a danger sign on piers or wharves while devices for the prevention of the formation of ice are in operation. (Hamel of Rockingham Dist. 17 — To Resources, Recreation and Development.)

HB 439, relative to extending the service fee on air carriers to all public landing areas supported, in whole or in part, by state and municipality or airport authority funds and to allocate said fees between the state and municipalities or airport authorities. (Coutermarsh of Hillsborough Dist. 22; Nutt of Grafton Dist. 9 — To Ways and Means.)

HB 440, providing for school staff development programs, state grants therefor, and making an appropriation therefor. (Bowles of Rockingham Dist. 27 — To Education.)

HB 441, to support a continuing program in drug education in the elementary and secondary schools of New Hampshire and making an appropriation therefor. (Zachos of Hillsborough Dist. 27 — To Education.)

HB 442, limiting the real estate tax exemption for ex-servicemen. (Spaulding of Sullivan Dist. 4 — To Ways and Means.)

HB 443, increasing the debt limit for school construction in the town of Bedford. (Van Loan of Hillsborough Dist. 26 — To Education.)

HB 444, providing an open season on fisher cats. (Hardy of Merrimack Dist. 4 — To Fish and Game.)

HB 445, providing that, for five years, only buck deer may be taken in the six southern counties. (Hardy of Merrimack Dist. 4 — To Fish and Game.)

HB 446, relative to the membership of school boards in certain school districts. (Van Loan of Hillsborough Dist. 26 — To Education.)

HB 447, to legalize greyhound racing in New Hampshire and to establish a state greyhound racing commission. (Clark of Strafford Dist. 4; Greene of Rockingham Dist. 22; MacDonald of Merrimack Dist. 25 — To Ways and Means.)

HB 448, creating certain positions and duties for administration of the New Hampshire hospital and making an appropriation therefor. (MacDonald of Merrimack Dist. 25 — To Executive Departments and Administration.)

HB 449, relative to balloting at town meetings relating to bond issues. (Bridges of Hillsborough Dist. 26; Smith of Rockingham Dist. 7 — To Statutory Revision.)

HB 450, permitting Sunday racing. (Benton of Rockingham Dist. 12 — To Ways and Means.)

Rep. Hamel moved that the order whereby HB 407, to clarify the aircraft operating fee formula, was referred to Claims, Military and Veterans Affairs be vacated and referred to Transportation.

Adopted.

## COMMITTEE REPORTS

### HJR 1

providing additional funds for boards of professional engineers. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

### HJR 12

making a supplemental appropriation for the racing commission. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

**HB 260**

requiring insurance companies to pay the cost of physical examinations where the insurer requires them before extending liability coverage. Ought to pass with amendment. Rep. Mallat for Banks and Insurance.

Relieves elder citizens of financial hardship.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Insurer Pays Cost of Physical Exam. Amend RSA 412 by inserting after section 2-a the following new section: 412:2-b Physical Examinations. When an insurer requires any person to submit to a physical examination prior to issuance or delivery of any motor vehicle liability policy, the insurer shall assume and pay the cost of the physical examination and may select the examining physician who shall be a duly licensed physician.

Amendment adopted.

Ordered to third reading.

**HB 278**

relating to milk producer permits. Ought to pass with amendment. Rep. Greene for Environmental Quality and Agriculture.

Aids in establishing a uniform inspection throughout New England. Avoids duplication, corrects statutory reference.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Permit Required. Amend RSA 184:88 as inserted by 1963, 289:1 by striking out said section and inserting in place thereof the following: 184:88 Producer Permit Required. It shall be unlawful for any milk producer to offer for sale or sell milk or milk products to a licensee as defined in RSA 184:84 who does not possess a valid producer permit issued by the director. However, producers located beyond the limits of routine inspection are exempt from this requirement; provided,

the milk from said producers shall have been produced under provisions which are substantially equivalent to the requirements of this subdivision and regulations promulgated hereunder and are enforced with equal effectiveness as determined by an enforcement rating which has been conducted on such forms and in such a manner and by such milk inspectors as shall be approved by the director.

Amendment adopted.

Ordered to third reading.

### **SB 43**

providing that the state geologist need not be a faculty member of a New Hampshire college or university. Inexpedient to legislate. Rep. Greene for Enviromental Quality and Agriculture.

Resolution adopted.

### **HB 95**

establishing an administrative procedures act. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

## **AMENDMENT**

Amend RSA 541-A:3 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. No rule shall be adopted by an agency until it has been approved as to form and procedure of adoption by the attorney general.

Further amend said section by renumbering the original paragraph III to read IV.

Amend section 1 of the bill by striking out RSA 541-A:10 through 33 and the subdivision heading reading "Miscellaneous Provisions" as inserted by said section of the bill.

Amend RSA 541-A:34 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

541-A:10 Effect of Prior Law. After the adoption of this chapter, its provisions shall govern all agency rule-making procedures, hearings thereon and appeals therefrom, except in the

cases of any agencies specifically exempted by this chapter, and any and all conflicts between the provisions of this chapter and those of prior or existing statutes shall be construed in favor of the provisions of this chapter.

Amend the bill by striking out section 2.

Amend the bill by renumbering the original sections 3 and 4 to read 2 and 3 respectively.

Amendment adopted.

Referred to Appropriations.

### **HB 238**

providing for cost of living additions in the New Hampshire retirement systems and making an appropriation therefor. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Referred to Appropriations.

### **HB 263**

to prohibit nonlegislative use of the house and senate chambers. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Resolution adopted.

### **HJR 10**

providing for a study of overtime pay for all state employees. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Subject covered by other legislation.

Resolution adopted.

### **HB 267**

to provide for substitute ex officio members for the director of fish and game on certain boards. Inexpedient to legislate. Rep. Sawyer for Fish and Game.

Prohibits the director of fish and game from substituting ex officio members to vote on various committees, commissions and boards.

Resolution adopted.

**HB 276**

relating to conservation officers of the fish and game department. Ought to pass. Rep. Hunt for Fish and Game.

The bill would give conservation officers more enforcement powers. Exercise the powers and privileges granted by RSA 594 as to matters within their jurisdiction under this section.

Ordered to third reading.

**HB 148**

relative to the taking of property by eminent domain. Inexpedient to legislate. Rep. Drabinowicz for Judiciary.

An interim committee appointed to study the problems of eminent domain is bringing in a report with recommendations to be incorporated in a bill to cover the whole subject.

Rep. Richard Bradley moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

Rep. George Roberts moved that HB 148 be laid on the table until the completion of today's calendar.

Adopted.

**HB 164**

to grant courts sitting in equity the power to authorize discovery to accused persons after arraignment but prior to indictment. Ought to pass with amendment. Rep. David Bradley for Judiciary.

Provides the accused with the same rights to discovery and deposition prior to indictment as he now has after indictment; notice to be given to the county attorney or the attorney general.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

to allow discovery in criminal matters prior to indictment.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Discovery Prior to Indictment. Amend RSA 604 by inserting after section 1 the following new section: 604:1-a Discovery in Criminal Matters. After an accused person has been bound over to the superior court and prior to indictment, he shall have the same rights to discovery and deposition as he has subsequent to indictment; provided that all judicial proceedings with respect thereto shall be within the jurisdiction of the superior court, and notice of petition therefor and hearing thereon shall be given to the county attorney, or the attorney general if he shall have entered the case.

Amendment adopted.

Ordered to third reading.

## **HB 231**

requiring that the articles of agreement of voluntary corporations and associations provide for the disposition of the assets of such corporations upon their dissolution. Ought to pass with amendment. Rep. Griffin for Judiciary.

To provide in the statutes for inclusion on incorporation forms for disposition of assets, amount of capitalization and signatures and addresses of incorporators.

## **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following new section:

1 Provisions of Articles of Agreement. Amend RSA 292:2 by striking out said section and inserting in place thereof the following new section:

292:2 Articles of Agreement. The articles shall contain the following:

I. The name of the corporation;

II. The object for which the corporation is established;

III. The provisions for disposition of the corporate assets in the event of dissolution of the corporation:

IV. The address at which the business of the corporation is to be carried on;

V. The amount of capital stock, if any, or the number of shares, if any;

VI. The signature and post office address of each of the persons associating together to form the corporation.

Amendment adopted.

Ordered to third reading.

### **HB 250**

limiting the period before and after elections during which political posters may be displayed. Inexpedient to legislate. Rep. Brummer for Judiciary.

Requiring the removal of out-of-date political posters is a laudable objective, but is not amenable to practical legislation. Rather, there should be some effort to correct the problem through towns or political organization efforts.

Resolution adopted.

### **SB 4**

relative to the composition of the judicial council. Ought to pass. Rep. Record for Judiciary.

To add to the membership of the Judicial Council a clerk of the superior court and a judge of probate.

Ordered to third reading.

### **HB 158**

removing restrictions on working hours of females eighteen years of age and older. Inexpedient to legislate. Rep. Cate for Labor, Human Resources and Rehabilitation.

Subject matter pending.

Resolution adopted.

### **HB 11**

to provide for the annual election of officials of Lebanon School District at the same time as the election of city or state officials. Ought to pass with amendment. Rep. Dudley for Lebanon Delegation.

## AMENDMENT

Amend section 7 of the bill by striking out the same and inserting in place thereof the following:

7 Term of Office. The district shall hold its first election under this act at the biennial election to be held in November 1972. At such election, the district shall elect three members of the school board for a term of three years. At subsequent district elections, the number of members of the board elected at each election shall be three members so as to maintain nine members of the board at all times. Other district officers elected at said election shall be elected for a term of one year each. Newly elected officers of the school district shall take office on the first business day of April following election.

Amend section 10 of the bill by striking out the same and inserting in place thereof the following:

10 Terms of Incumbents; Intermediate Terms. The terms of office of those incumbent board members and other district officials whose terms of office would otherwise expire at the 1972 annual meeting of the Lebanon school district are hereby extended to 12:01 A.M. on the first business day of April, 1973. The terms of office of those board members whose terms of office would otherwise expire at the 1973 annual district meeting are hereby extended to 12:01 A.M. on the first business day of January, 1974. The terms of office of those board members whose terms of office would otherwise expire at the 1974 annual district meeting are hereby extended to 12:01 A.M. on the first business day of April, 1975. There shall be no election of district officials at the annual district meeting held in 1972.

Amendment adopted.

Ordered to third reading.

**HB 12**

amending the Lebanon city charter to provide for three-year terms for city councilors, three to be elected annually. Ought to pass. Rep. Dudley for Lebanon Delegation.

Ordered to third reading.

**HB 236**

establishing a finance commission for the city of Manchester. Inexpedient to legislate. Rep. Ackerson for Manchester Delegation.

Under the philosophy of home rule the board of Mayor and Aldermen should direct the financial affairs of the city of Manchester.

Resolution adopted.

### **SB 36**

relative to voting on zoning ordinance amendments at special town meetings. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Resolution adopted.

### **HB 127**

making appropriation for site acquisition and preliminary planning for a bridge over the Merrimack river in the town of Merrimack. Ought to pass with amendment. Rep. Harry Parker for Public Works.

This bill allows the Department of Public Works and Highways to conduct a survey for a bridge over the Merrimack in the town of Merrimack using regular department personnel to do the job. The committee amendment directs the commissioner to consider other industrial or educational site locations and their future needs in the study.

## **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### **AN ACT**

providing for a study on the feasibility of construction of a bridge over the Merrimack River in the town of Merrimack.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Study Authorized. The commissioner of public works and highways is hereby authorized to proceed with all necessary studies to determine the location of, and feasibility for, construction of a bridge across the Merrimack River in the town of Merrimack. In conducting the study, the commissioner shall take into consideration the development of industrial sites and possible educational institutional sites between the present

village of Merrimack and the northerly border of the town of Merrimack in order to eliminate any duplication of bridge construction in the future. The commissioner of public works and highways shall report the results of said study to the 1973 session of the general court. The costs of the feasibility study shall be a charge against the department's regular budgeted accounts for such purposes.

Amendment adopted.

Referred to Appropriations.

### **HB 146**

relative to service roads constructed by the state in conjunction with limited access facilities. Ought to pass with amendment. Rep. Spollett for Public Works.

Adds Class VI highway to the existing law so that certain service roads do not have to be constructed to Class V standards.

### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Allowing Designation as Class VI Highway. Amend RSA 236:7-a as inserted by 1961, 6:1 by striking out said section and inserting in place thereof the following: 236:7-a Auxiliary Roads. Any service roads constructed by the state in conjunction with but not a part of a limited access facility shall be classified by the commissioner of public works and highways as a class IV, V or VI highway. After any such classification the provisions of RSA 236:8 and 9 shall not apply and thereafter the towns or cities shall maintain any road classified as class IV or V and the highway user shall maintain any road classified class VI.

Amendment adopted.

Ordered to third reading.

### **HB 2**

providing that voting residence is not lost by being in a nursing or convalescent home or hospital. Ought to pass. Rep. Cochrane for State Institutions.

This bill clarifies existing statutes.

Ordered to third reading.

**HB 242**

providing that the reregistration of voters be postponed until 1974 and establishing a committee to study and report on the form of checklists. Ought to pass with amendment. Rep. MacDonald for Statutory Revisions.

**AMENDMENT**

Amend section 1 of the bill by striking out in lines 3 and 7 the numeral "1974" and inserting in place thereof the numeral (1973) so that said section as amended shall read as follows:

1 Postponement of Reregistration. Amend RSA 69:26-a I (supp) as inserted by 1969, 263:1 by striking out in line three the numerals "1971" and inserting in place thereof the numerals (1973) so that said paragraph as amended shall read as follows: I. In addition to any verification procedure carried out under the provisions of the foregoing section, the supervisors shall verify the checklist once every ten years, beginning in 1973.

Amend sections 2 and 3 of the bill by striking out said sections and inserting in place thereof the following new sections:

2 Committee Established. There is hereby established a committee to study the laws relative to checklists and reregistration procedures and to make recommendations for changes thereto. The committee shall consist of fifteen members; eleven members shall be or shall have been election officials in the state of New Hampshire and shall be appointed by the governor; one member shall be a member of the senate and shall be appointed by the president; and three members shall be members of the house and shall be appointed by the speaker. The committee shall elect a chairman, vice chairman and clerk from its members. They shall hold public hearings in the course of their study to receive testimony and information as often and wherever they see fit. They shall report to the general court on or before December 1, 1973, with their recommendations, including any proposed legislation for revising the laws concerning the checklist. Members of the committee shall serve without compensation but when engaged on business of the committee, shall be entitled to mileage. Said mileage expense shall be a charge upon the governor's fund.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 29**

imposing a tax on community antenna television systems, and regulating their operations as a public utility. Inexpedient to legislate. Rep. Beckett for Ways and Means.

Regulation of this new industry seems premature. Consumer complaints can be answered in other ways.

Resolution adopted.

**HB 183**

establishing a pilot youth house project and making an appropriation therefor. Inexpedient to legislate. Rep. Donalda Howard for Public Health & Welfare.

Pilot youth projects presently being met by existing and planned private agencies.

Rep. Merrill moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Conley spoke against the motion.

Reps. Barker and Murray spoke in favor of the motion.

Rep. Donalda Howard moved that HB 183 be indefinitely postponed and spoke in favor of the motion.

Reps. Spirou and Brungot spoke against the motion.

(discussion)

Rep. Boucher spoke in favor of the motion.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

Question being on the motion that HB 183 be indefinitely postponed.

Motion lost.

Question on the motion that the words, ought to pass, be substituted for committee report, inexpedient to legislate.

Adopted.

Referred to Appropriations.

**HB 161**

repealing rooms and meals tax application to certain sales of food and drink. Inexpedient to legislate. Rep. Leavitt for Ways and Means.

Returning the \$1.00 exemption to the room and meals tax would lower revenues and make the tax more difficult to administer.

Resolution adopted.

**HB 169**

to abolish the business profits tax, abolish the business profits tax division, impose a tax on stock in trade, impose a machinery tax, and return all business profits taxes collected. Inexpedient to legislate. Rep. Menge for Ways and Means.

The Business Profits Tax represents an improvement in the New Hampshire tax structure. Further modifications can always be made by the legislature when and as required.

Rep. Gordon moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion and subsequently withdrew his motion.

Resolution adopted.

**HB 223**

providing that for the purpose of qualifying for real property tax exemption to the elderly the value of real property shall be pegged at the 1969 assessed value. Inexpedient to legislate. Rep. Beckett for Ways and Means.

The committee felt that assessing property at two different rates was unconstitutional. The tax base of cities and towns should not be narrowed further without the state paying the difference.

Resolution adopted.

Rep. George Roberts moved that HB 148, relative to the taken property by eminent domain, be taken from the table.

Adopted.

Rep. Richard Bradley moved that the words, ought to pass, be substituted for the committee report, inexpedient to legis-

late, and spoke in favor of the motion and subsequently withdrew his motion.

Rep. Donald Chase moved that HB 148 be laid on the table.

The Speaker ruled the motion out of order at the present time as there was another speaker on the list to speak.

Rep. Andrews spoke against the motion to substitute.

(discussion)

Rep. Elmer Johnson spoke against the motion.

Rep. Donald Chase moved that HB 148 be laid on the table.

Adopted.

Rep. Allen moved that HB 110, providing for secret balloting upon questions at certain town meetings when requested by three voters, be made a special order of business Thursday next at 11:01 o'clock.

Adopted.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and resolutions by caption only, and that when the House adjourns today it be to meet Wednesday next at 11:00 o'clock.

Adopted.

(Deputy Speaker in the Chair)

### LATE SESSION

Third readings and passage by house

HJR 1, providing additional funds for boards of professional engineers.

HJR 12, making a supplemental appropriation for the racing commission.

HB 260, requiring insurance companies to pay the cost of physical examination where the insurer requires them before extending liability coverage.

HB 164, to allow discovery in criminal matters prior to indictment.

HB 276, relating to conservation officers of the fish and game department.

HB 278, relating to milk producer permits.

HB 231, requiring that the articles of agreement of voluntary corporations and associations provide for the disposition of the assets of such corporations upon their dissolution.

SB 4, relative to the composition of the judicial council.

HB 11, to provide for the annual election of officials of Lebanon School District at the same time as the election of city or state officials.

HB 12, amending the Lebanon city charter to provide for three-year terms for city councilors, three to be elected annually.

HB 146, relative to service roads constructed by the state in conjunction with limited access facilities.

HB 2, providing that voting residence is not lost by being in a nursing or convalescent home or hospital.

Rep. George Roberts wished to be recorded as voting in favor of HB 2.

HB 242, providing that the reregistration of voters be postponed until 1974 and establishing a committee to study and report on the form of checklists.

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Rep. Trowbridge requested a 6 day extension on HB 175, relative to making improvements to the eastern New Hampshire turnpike and making an appropriation therefor, and HB 193, relative to the improvement and extension of the Spaulding turnpike.

Granted.

Rep. Shirley Clark requested a 6 day extension on HB 130, increasing the salary of Strafford county sheriff, and HB 237, establishing a regional government commission and making an appropriation therefor.

Granted.

Rep. Gemmill requested a 6 day extension on HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

Granted.

### UNANIMOUS CONSENT

Reps Radway and McLane addressed the House by unanimous consent.

(Speaker in the Chair)

### PERSONAL PRIVILEGE

Rep. Lemieux addressed the House on a point of personal privilege.

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Reps. Davidson and Gabriel offered the following resolutions:

### RESOLUTIONS

*Whereas*, there is to be a national sports boxing event staged within the next several days, and

*Whereas*, the participants are known nationally, and

*Whereas*, one of the participants of this sports event has repeatedly refused to recognize induction into our armed services, and

*Whereas*, the law of the land still requires all young men to abide by this, therefore be it

*Resolved*, that we, the members of this great House of Representatives of New Hampshire do hereby strongly object to the proposed use of a New Hampshire State Armory for purposes of exhibiting the telecast of this event, and further be it

*Resolved*, that a copy of this resolution be forwarded to the Adjutant General of New Hampshire, the Honorable Senate, and the Governor of New Hampshire.

Rep. Davidson spoke in favor of the resolution.

(discussion)

Rep. Raiche spoke against the resolution.

Rep. Wilfrid Boisvert spoke in favor of the resolution.

Rep. Gerry Parker spoke against the resolution.

### POINT OF ORDER

Rep. Malcolm Stevenson rose on a point of order.

Reps. Cares, Michels and Williamson spoke against the resolution.

Reps. Cleon Gardner, Brungot, Dwyer and Hardy spoke in favor of the resolution.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

The question now being on the adoption of the resolution.

A division was requested.

Rep. Philip Smith requested a roll call; seconded by 5 members.

### ROLL CALL

YEAS: 141

#### ROCKINGHAM COUNTY:

Wilson, Helen F., Boucher, Soule, Adams, MacGregor, Lovell, Belair, Smith, Philip A., Benton, Goodrich, Eastman, Junkins, Woods.

#### STRAFFORD COUNTY:

Smith, Elmer C., Tirrell, Towle, Ineson, Beaudoin, Sylvain, Dunlap, Preston, Richardson, Harriett W. B., Maglaras.

#### SULLIVAN COUNTY:

Gaffney, Campbell, Burrows, D'Amante.

#### BELKNAP COUNTY:

Lawton, Drouin, Dulac, Whittemore.

## CARROLL COUNTY:

Howard, Donald K., Cox, Lagroe, Conley, Webster.

## CHESHIRE COUNTY:

Johnson, Edward A., Forbes, Cournoyer, Forcier, McGinness, Johnson, Elmer L., Coughlin, Hackler, Ames, Saunders, Streeter.

## COOS COUNTY:

Huggins, Noyes, Lee, O'Hara, Fortier, Roy, Studd, York, Elmer H., Brungot, McCuin, Oswell, Gagnon, Kidder, Richardson, Mabel L.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., McGee, Brummer, Chamberlin, Anderson, Dow, Buckman, Bradley, Richard L., Mitchell.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Heald, Philip C., Carter, Bragdon, Belzil, Bouchard, Maurice L., Record, Lesage, Trombley, Cote, Peter R., Drabinowicz, Mason, Gardner, Cleon J., Aubut, Boisvert, Wilfrid A., Grandmaison, Davidson, Ouellette, Sirois, Bissonnette, Gabriel, Alukonis, Bednar, Keeney, Rodgers, Peabody, Arthur H., Dwyer, Lyons, Bridges, Daniels, Ackerson, Bourassa, Murphy, Francis, Cote, Joseph L., Dion, Duhaime, Armand L., Welch, John L., Manning, Barrett, William F., Clancy, McDonough, Boisvert, Emile E., Belanger, Sweeney, Clear, Murphy, Dennis J., Levasseur, Martineau, Alard, Brunelle, Lavallee, Lesmerises, O'Connor, Timothy K., Vachon.

## MERRIMACK COUNTY:

Hardy, Parker, Harry C., Riley, Gamache, Gordon, Little, Bartlett, Burleigh, Dempsey, Chapley, Greeley, Humphrey, James A., Sanders, Welch, Shirley B.

## NAYS: 119

## ROCKINGHAM COUNTY:

Griffin, Magaret A., Gelt, O'Neil, Robert E., Scamman, Collishaw, Page, Hamel, Fiske, Keefe, Maynard, Chandler, Palfrey, Bowles, Levy, Croft.

## STRAFFORD COUNTY:

Canney, Stevenson, Douglas M., Clark, Shirley M., Cochran, Thompson, Barbara C., Ruel, Balomenos, Tripp, Leighton, Fellows, Parnagian.

## SULLIVAN COUNTY:

Townsend, Chase, Donald R., Rousseau, Spaulding, Roma A., Flint, Frizzell, Galbraith, Fleming, Williamson.

## BELKNAP COUNTY:

French, Roberts, George B., Hood, Huot, Head, Maquire.

## CARROLL COUNTY:

Hayes, Davis, Dorothy W., Chase, Russell C., Claflin.

## CHESHIRE COUNTY:

Ballam, Trowbridge, Allen, Bennett, Dunham, O'Neil, James E., Vogel, Heald, Cleon E., Shortlidge, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Cook, Bushey, Hunt, Mayhew, Oleson, Desilets, Bouchard, Theriault.

## GRAFTON COUNTY:

Tilton, Higgins, LaMott, Mann, Ezra B., Menge, Foster, Blain, Sears.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Knight, Poehlman, Weilbrenner, Colburn, Daloz, Mann, Arthur F., Murray, Eaton, Clyde S., Spalding, Kenneth W., Hall, Parker, Gerry F., Cote, Margaret S.,

Cares, Harvell, Van Loan, Abbott, Montplaisir, Spirou, Walsh, Lemieux, Raiche, Robinson, Lamy.

MERRIMACK COUNTY:

Andrews, Bigelow, Hanson, Enright, Avery, Perkins, Kopperl, Mattice, Michels, York, Edward H., Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Howland, MacDonald, Wilson, Ralph W., Glavin, Howard C., Edwin, Noble.

Abstained under Rule 16: Reps. Gay and Lambert.

141 voted in the affirmative, 119 voted in the negative and two abstained under Rule 16, 262 votes were cast.

The Speaker explained that if less than 266 members of the House are present, a motion needs a  $2/3$  vote in order to be adopted.

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Rep. Gordon requested a quorum count.

261 members having answered, a quorum was present.

Rep. Bowles moved that HB 114, relative to the power of Franconia College to grant degrees, be removed from the table and recommitted to the Committee on Education.

Adopted.

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Flowers were presented to the House on behalf of the OWLS by Mrs. DeLude, former president of the OWLS.

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Rep. Woods was elected clerk of the Transportation Committee.

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Ralph Dunlap removed from Claims, Military and Veterans Affairs.

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Rep. Boucher wished to be recorded as voting in favor of HB 157, providing that the practice of issuing free passess to state parks be discontinued.

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On motion of Rep. James O'Neil the House adjourned at 2:39 P.M.

*Wednesday, 10Mar71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Dear LORD and FATHER of Mankind — forgive our foolish ways, and inspire us to walk the nobler road, enlightened by Thy Presence and sustained by Thy Grace. Give us courage to do what is right, and the strength to fulfill the duties and responsibilities given to our care. Rescue us from the perils of expediency, defend us from all adversity, and guide us in the ways of righteousness. Remove from us the shackles of doubts, of indecision, and any barriers that would frustrate truth or justice. Enable us to build a better America by preserving the patriots' dream of our forefathers, by matching their courage and faith in our endeavors, and by our devotion and dedication to all that is holy and good in Thy Sight, O GOD. Amen.

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Rep. Mason led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Belzil and Fernald, today, illness.

Rep. Blanchette, the week, illness.

Rep. Mudgett, indefinite, illness.

Rep. Casassa, 5 legislative days, important business.

Reps. Alukonis, Perkins and David Bradley, the day, important business.

Rep. Sears, the week, important business.

#### SENATE MESSAGES

The Senate has voted to send to Legislative Study Committee the following entitled House Concurrent Resolution:

HCR 1, Resolution Requesting Congress to Call A Convention For The Purpose of Amending The U. S. Constitution

To Provide For Intergovernmental Sharing of Federal Income Tax Revenue.

Senate concurrence on

HB 122, to allow nonresidents to serve legal process on the secretary of state as agent for foreign corporations.

Introduction of Senate Bills and SCR

First, second reading and referral

SB 42, increasing the membership of the commission advisory to the commissioner of resources and development and making the commissioner of public works and highways a member. Executive Departments and Administration.

SB 45, relative to the purposes of issuance of bonds or notes. — Statutory Revision.

SCR 4, requesting the members of the New Hampshire congressional delegation to seek legislation which will return a portion of the federal income tax to the states. — Constitutional Revision.

ENROLLED BILLS REPORT

HB 122, to allow nonresidents to serve legal process on the secretary of state as agent for foreign corporations.

SB 4, relative to the composition of the judicial council.

Roxie A. Forbes  
for the Committee

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The text of House Concurrent Resolution No. 12, introduced by Reps. Raiche and Belair on Feb. 25:

*Be it Resolved* by the House, the Senate concurring;

That there is hereby established a special committee of nine members to investigate and study and recommend changes or revisions in the election laws;

That five members shall be members of the House appointed by the Speaker of the House, three from the majority party and two from the minority party;

That two members shall be members of the Senate appointed by the President of the Senate, one from the majority and one from the minority party;

That the state chairmen of the Republican and Democratic parties shall each be ex officio members;

That the committee shall report to the 1971 General Court on or before May 1, 1971 any recommendations for changes in the election laws which it proposes be enacted by said session primarily because they have particular reference to or effect on biennial or other state-wide elections;

That the committee shall be continued in existence and continue its deliberations and investigations and study during the interim after the adjournment of the 1971 session of the General Court and shall, by delivering to the Speaker of the House and the President of the Senate on or before December 15, 1972, report its findings and a draft of any legislation it proposes be enacted.

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## RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 451 through 471 and House Joint Resolutions numbered 34 through 36 and Concurrent Resolution Proposing Constitutional Amendment number 25 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & reference

HB 451, establishing a commission to study and make legislative recommendations concerning the regulations and licensing requirements which apply to halfway houses. (Lemieux of Hillsborough Dist. 34; Conley of Carroll Dist. 4 — To Public Health and Welfare.)

HB 452, relative to federal aid for airport and airway development. (Coutermarsh of Hillsborough Dist. 22; Nutt of Grafton Dist. 9; Townsend of Sullivan Dist. 1 — To Transportation and Aeronautics.)

HB 453, exempting persons on active duty with the armed forces from payment of the poll tax. (Woodward of Merrimack Dist. 26 — To Claims, Military and Veterans Affairs.)

HB 454, amending the definition of an air navigation facility. (Coutermarsh of Hillsborough Dist. 22; Davidson of Hillsborough Dist. 21; Townsend of Sullivan Dist. 1 — To Transportation and Aeronautics.)

HB 455, imposing an airways toll on jet fuel. (Coutermarsh of Hillsborough Dist. 22; Nutt of Grafton Dist. 9; Townsend of Sullivan Dist. 1 — To Ways and Means.)

HB 456, to permit the hunting of fisher in Sullivan county from November first to March thirty-first. (Chase of Sullivan Dist. 2 — To Fish and Game.)

HB 457, to legalize dog racing in New Hampshire and to establish a state dog racing commission. (Gay of Rockingham Dist. 5 — To Ways and Means.)

HB 458, prohibiting the use of motorboats on Berry pond in Moultonborough. (Davis of Carroll Dist. 5 — To Environmental Quality and Agriculture.)

HB 459, prohibiting the use of aircraft on the surface waters of Lake Kanastka. (Davis of Carroll Dist. 5 — To Environmental Quality and Agriculture.)

HB 460, transferring the dam and flowage rights on Nubanusit brook to the water resources board. (Trowbridge of Cheshire Dist. 4 — To Public Works.)

HB 461, to relieve the burden of local property taxes through the enactment of an income tax. (Galbraith of Sullivan Dist. 7 — To Ways and Means.)

HB 462, making interest on deposits in credit unions exempt from the interest and dividends tax. (Benton of Rockingham Dist. 12 — To Ways and Means.)

HB 463, providing for studies in each county to consider the advisability of home rule charter acts; amending certain provisions of the laws relative to counties and establishing a county regional government commission and making an appropriation therefor. (Trowbridge of Cheshire Dist. 4; Menge of Grafton Dist. 8; Cobleigh of Hillsborough Dist. 15 — To Municipal and County Government.)

HB 464, relative to participation in the work incentive program. (Merrill of Grafton Dist. 13 — To Labor, Human Resources and Rehabilitation.)

HB 465, relative to the use of identification cards for the purpose of purchasing alcoholic beverages. (Parker of Hillsborough Dist. 15 — To Liquor Laws.)

HB 466, establishing a council of economic advisors to the governor. (Parker of Hillsborough Dist. 15 — To Executive Departments and Administration.)

HB 467, relative to intoxicating beverages at interscholastic athletic contests. (Tarr of Merrimack Dist. 28 — To Education.)

HB 468, clarifying the provisions of the statute that tax deeds shall be given by the collector in office. (Woodward of Merrimack Dist. 26 — To Statutory Revision.)

HB 469, prohibiting the varying of rates for motor vehicle liability insurance based solely on age groups. (Sayer of Rockingham Dist. 7 — To Banks and Insurance.)

HB 470, providing incentive aid for kindergarten programs and making an appropriation therefor. (O'Neil of Cheshire Dist. 12 — To Education.)

HB 471, to provide for interest charges on late payments made by the division of welfare of the department of health and welfare to providers of goods and services to welfare recipients. (Lemieux of Hillsborough Dist. 34 — To Appropriations.)

HJR 34, in favor of Leon A. Hoik. (McLane of Merrimack Dist. 23; Davis of Merrimack Dist. 21 — To Claims, Military and Veterans Affairs.)

HJR 35, establishing a governor's fire safety committee. (Parker of Hillsborough Dist. 15 — To Municipal and County Government.)

HJR 36, providing for a study of overtime, double-time, stand-by time and second and third shift time pay for state employees. (Bartlett of Merrimack Dist. 10 — To Executive Departments and Administration.)

CACR 25, Relating to: Compensation of the Members of the Legislature. Providing that: Each Senator and Representative receive Twenty-five Dollars Per Diem for Each Day of Attendance in Addition to Compensation and Mileage Presently Provided. (Sweeney of Hillsborough Dist. 36 — To Constitutional Revision.)

## COMMITTEE REPORTS

### HB 268

relative to unauthorized insurance. Ought to pass. Rep. Dwyer for Banks & Insurance.

Closes loopholes in existing law relative to collection or premium taxes on insurance.

Ordered to third reading.

### HJR 14

in favor of Lawrence E. Tilton. Inexpedient to legislate. Rep. Hood for Claims, Military & Veterans Affairs.

This bill would overturn the decision of the Appeal Tribunal of the Department of Employment Security and set a bad precedent. By passage the Legislature would be overstepping its authority and in violation of compliance of Title III of the Social Security Act.

Resolution adopted.

### HJR 21

in favor of William J. Wilson of Canterbury. Ought to pass. Rep. Hood for Claims, Military & Veterans Affairs.

The state inspector was at fault and the state is directly responsible for the losses sustained due to error in calibration.

Ordered to third reading.

**HB 142**

establishing a minimum salary for public school teachers and making an appropriation therefor. Inexpedient to legislate. Rep. Abbott for Education.

Committee feels unanimously that state-supported minimum salary for teachers is not necessary and School Board and teacher negotiations, on a district by district basis, increasingly have achieved the purpose of the bill.

Resolution adopted.

**HB 227**

raising the salaries of classified state employees. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments & Administration.

**AMENDMENT**

Amend the line reading: "1      4525.82      5642.56  
4758.26      4875.00      4990.44" in RSA 99:1 as inserted by section 1 of the bill by striking out said line and inserting in place thereof the following:

1	4525.82	4642.56	4758.26	4875.00
4990.44				

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appropriation for Temporary and Seasonal. There is hereby appropriated for the fiscal year ending June 30, 1972 for the salary increases for temporary and seasonal employees as provided herein the following sums: ninety-nine thousand, six hundred forty-seven dollars from the general funds of the state; fifty-three thousand, five hundred eighty-two dollars from highway funds; five thousand, three hundred ninety-seven dollars from fish and game funds; and thirty-four thousand, one hundred fifteen dollars from self sustaining funds. For fiscal year ending June 30, 1973 there are hereby appropriated for said salary increase the following sums: ninety-nine thousand, six hundred forty-seven dollars from the general funds of the state; fifty-three thousand, five hundred eighty-two dollars from highway funds; five thousand, three hundred ninety-seven dollars from fish and game funds; and thirty-four thousand, one hundred fifteen dollars from self sustaining funds.

4 Effective Date. This act shall take effect July 1, 1971.

Amendment adopted.

Referred to Appropriations.

**HB 258**

providing for review and updating of planning enabling laws and making an appropriation therefor. Ought to pass. Rep. Shirley Clark for Executive Departments & Administration.

Referred to Appropriations.

**HB 188**

retaining the municipal court in the town of Bedford. Inexpedient to legislate. Rep. Drabinowicz for Judiciary.

Sponsor indicated his intent to withdraw this bill since he is co-sponsoring other legislation that will cover this matter.

Resolution adopted.

**HB 298**

to provide for recording of short form leases. Ought to pass with amendment. Rep. Drabinowicz for Judiciary.

Provides statutory authority for recording a short form notice of lease rather than the entire lease provided certain basic information is included in the short notice this law would specifically authorize a practice that is now frequently used.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Notice of Lease. Amend RSA 477 by inserting after section 7 the following new section: 477:7-a Notice of Lease. Notwithstanding the provisions of RSA 477:7 a notice of lease consisting of an instrument in writing executed, witnessed, acknowledged and sealed by all persons who are parties to the lease, and containing the following information with reference to such lease shall be sufficient compliance with the provisions of this chapter:

- (1) The names and addresses of each party to the lease;

- (2) The date of execution of the lease;
- (3) A description of the demised premises as it appears in the lease;
- (4) The term of such lease; and
- (5) The date of commencement of such term and all rights of extension or renewal.

Amendment adopted.

Ordered to third reading.

### **HB 131**

relative to operation of liquor stores on holidays. Ought to pass. Rep. Peter Cote for Liquor Laws.

Rep. Desmarais moved that HB 131 be indefinitely postponed and spoke in favor of his motion.

Rep. James O'Neil moved that HB 131 be laid on the table until the end of the Calendar.

Adopted.

### **HB 190**

providing for competitive examinations for the selection and promotion of police officers and establishing a probationary period for newly selected police officers in large towns. Ought to pass with amendment. Rep. Barker for Municipal & County Government.

Permissive legislation for all towns to establish standards for Police Department personnel.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

providing for competitive examinations for the selection and promotion of police officers and establishing a probationary period for newly selected police officers in towns.

Amend RSA 105:1-a, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Any town, by an article in the warrant and vote of town meeting, may adopt the provisions of this section.

Amend RSA 105:1-a, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. The selectmen, when they deem it necessary, may appoint probationary salaried police officers and constables, or special part-time police officers and constables whom they shall select by competitive examination from candidates for such positions who meet established standards of health, education, training and experience. Such police officers shall continue in office for a period of one year, unless otherwise determined by the selectmen. At the end of this period, the selectmen shall review the needs of the town and the qualifications of any officer so appointed and upon completion of the review shall take one of the following actions:

(a) Retain the police officer or constable as a salaried police officer or constable; or part-time special police officer, or constable; or

(b) Discharge the officer.

Amend RSA 105:1-a, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. The selectmen, by a vote of the town meeting, shall establish suitable classifications for any additional grades, positions, and ranks necessary for the efficient operation of the police department in the town. For each classification, they shall fix the standards of health, education, training, and experience as well as the conduct and manner of taking of competitive examinations for promotion to each classification from within the department.

Amend RSA 105:1-a, V as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

V. Under the provisions of paragraph II, the selectmen may select a chief or superintendent who shall exercise authority over and supervise or superintend other police officers, police matrons, watchmen or constables appointed under the provi-

sions of this chapter, and said police officers, police matrons, watchmen or constables shall be accountable and responsible to said chief of police or superintendent, or selectmen.

Amendment adopted.

Ordered to third reading.

**HB 222**

permitting the exempting of police departments from the control of town managers. Inexpedient to legislate. Rep. Allen for Municipal & County Government.

Resolution adopted.

**HB 271**

to increase the salaries of the Coos county attorney and the Coos county commissioners. Ought to pass. Rep. Bednar for Municipal & County Government.

Allows Coos County to establish salary for county attorney and county commissioners. Majority of Coos County Delegation has agreed to this increase.

Ordered to third reading.

**HB 172**

relating to public disposal facilities. Ought to pass with amendment. Rep. Foster for Public Health & Welfare.

Updating laws relating to solid waste disposal procedures.

**AMENDMENT**

Amend section 2 of the bill by inserting after RSA 147:23-a as inserted by said section the following new section of the RSA:

147:23-b Imposition of Regional Refuse Disposal Procedures. If a city or town is unable to meet its refuse disposal requirements within its own boundaries on a reasonable basis, and is unable to enter into agreement with any other municipalities pursuant to RSA 53-A or 53-B then the division of public health service may intervene upon request from the municipality in question and petition the Superior Court to appoint a master for the purpose of establishing a regional solid waste disposal district of two or more towns in question, selecting a

suitable disposal site and making the necessary rules and regulations governing the same. The towns involved will share the expense in an equitable manner as determined by the master.

Amend section 11 of the bill by striking out the same and renumbering section 12 to read 11.

Reps. Weeks, Richard Bradley, Russell Chase, James O'Neil, Bushey and Gordon spoke against the amendment.

Rep. Roma Spaulding spoke in favor of the amendment.

(Discussion)

Amendment lost.

Rep. Maynard requested a division.

It being manifestly in the negative, the amendment lost.

Rep. Maynard requested a quorum count.

254 members having answered, a quorum was present.

On request of Rep. Williamson, Rep. Roma Spaulding explained the bill.

Ordered to third reading.

## **HB 199**

to permit a legal voter who is registered as a member of a party to re-register as an independent voter. Ought to pass with amendment. Rep. Burleigh for Statutory Revision.

Allows a voter to have his party designation removed from the checklist.

## **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### **AN ACT**

to permit a legal voter who is registered as a member of a party to re-register as not being a member of any party.

Amend RSA 56:40, I, (a), (2) as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

(2) He does not wish to be registered as a member of any party, in which case his party designation shall be removed from the checklist.

On request of Rep. Wilfrid Boisvert, Rep. MacDonald explained the bill.

(discussion)

Amendment adopted.

Rep. Elmer Johnson moved that HB 199 be indefinitely postponed and spoke in favor of his motion.

(discussion)

Reps. Murray, Healy, Lagroe and Van Gardner spoke in favor of the motion.

Reps. Hamel, Hall, MacDonald, Coutermarsh, Vogel and Radway spoke against the motion.

Rep. Lambert moved the previous question; sufficiently seconded.

Adopted.

The question now being on the motion that HB 199 be indefinitely postponed.

Motion lost.

Rep. Webster requested a division.

149 having voted in the affirmative and 142 in the negative, the motion was adopted.

Rep. MacDonald requested a roll call; seconded by 5 members.

ROLL CALL  
YEAS: 157

MERRIMACK COUNTY:

Hardy, Hanson, Gamache, Gordon, Little, Kopperl, Dempsey, Greeley, Davis, Alice, Underwood, Howland, Sanders, Wilson, Ralph W., Noble.

## ROCKINGHAM COUNTY:

Wilson, Helen F., Griffin, Margaret A., Boucher, MacGregor, Read, Lovell, Sayer, Clark, Ernest W., White, Palmer, Schwaner, Spollett, Vey, Twardus, Collishaw, Eastman, Jenkins, Page, Cheney, George L., Hammond, Maynard, McEachern, Connors, Levy.

## STRAFFORD COUNTY:

Canney, Smith, Elmer C., Beckett, Joncas, Maloomian, Habel, Chasse, Boire, Dumais, Ineson, Carignan, Ruel, Beaudoin, Parnagian, Richardson, Harriett W. B.

## SULLIVAN COUNTY:

Gaffney, Campbell, Spaulding, Roma A., Downing, Saggiotes.

## BELKNAP COUNTY:

Urie, Hood, Drouin, Head, Dulac, Whittemore.

## CARROLL COUNTY:

Howard, Donald K., Lagroe, Conley, Davis, Dorothy W., Webster.

## CHESHIRE COUNTY:

Ballam, Churchill, Forbes, Yardley, Cournoyer, Allen, Bennett, Johnson, Elmer L., Heald, Cleon E., Moran, Drew.

## COOS COUNTY:

Cook, Huggins, Bushey, Hunt, Mayhew, O'Hara, York, Elmer H., Brungot, Oswell, Bouchard, Gagnon, Richardson, Mabel L.

## GRAFTON COUNTY:

Gardner, Van H., Tilton, Chamberlin, Anderson, Dow, Buckman, Mitchell.

## HILLSBOROUGH COUNTY:

Sawyer, Murray, Karnis, Warren, Carter, Spalding, Kenneth W., Record, Belcourt, Lesage, Trombley, Cote, Peter R.,

Drabinowicz, Mason, Desmarais, Lachance, Chamard, O'Neil, Robert, Aubut, Boisvert, Wilfrid, Grandmaison, Sirois, Bissonnette, Rodgers, Peabody, Arthur H., Dwyer, Lyons, Lang, Barrett, Gerald J., Murphy, Francis, Bruton, Cote, Joseph L., Dion, Duhaime, Armand L., Cullity, McDermott, Manning, Walsh, Barrett, William F., Healy, McDonough, Boisvert, Emile E., Leclerc, Champagne, Chevrette, Derome, St. Onge, O'Connor, James P., Sweeney, Murphy, Dennis J., Levasseur, Allard, Brunelle, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

#### NAYS: 186

##### MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Reddy, Enright, Riley, Bartlett, Avery, Burleigh, Chapley, Mattice, Humphrey, James A., Michels, Cate, York, Edward H., Haller, Cheney, Charles H., McLane, Miner, Filides, MacDonald, Glavin, Howard, C. Edwin, Woodward, Welch, Shirley B., Tarr.

##### ROCKINGHAM COUNTY:

Stimmell, Soule, Adams, Gay, Belair, Morrison, O'Neil, Robert E., Smith, Philip A., Benton, Greenwood, Goodrich, Sewall, Scamman, Hamel, Randall, Fiske, Cunningham, Langley, Leavitt, Greene, Lockhart, Weeks, Keefe, Chandler, Griffin, Ruth L., Quirk, Palfrey, Bowles, Jameson, Woods, Croft.

##### STRAFFORD COUNTY:

McIntire, Brown, Stevenson, Douglas M., Clark, Shirley M., Cochrane, Tirrell, Hebert, Towle, Thompson, Barbara C., Sylvain, Dunlap, Preston, Balomenos, Tripp, Leighton, Peabody, Raymond B., Webber, Fellows, Kinney.

##### SULLIVAN COUNTY:

Townsend, Chase, Donald R., Rousseau, Nahil, Burrows, D'Amante, Flint, Shulins, Frizzell, Galbraith, Williamson.

##### BELKNAP COUNTY:

Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Mutzbauer, Huot, Prescott, Randlett.

## CARROLL COUNTY:

Hayes, Chase, Russell C., Claflin, Hughes.

## CHESHIRE COUNTY:

Johnson, Edward A., Forcier, McGinness, Coughlin, Dunham, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Saunders, Shortlidge, Barker, Cummings, Richard E.

## COOS COUNTY:

Noyes, Drake, Lee, Burns, Oleson, Dubey, Roy, McCuin, Theriault, Kidder.

## GRAFTON COUNTY:

Stevenson, Malcolm J., Higgins, Brummer, LaMott, Mann, Ezra, Menge, Nutt, Radway, Gemmill, Foster, Duhaime, Roger M., Tremblay, Dudley, Merrill, Altman, Blain, Hopkins, Bell, Bradley, Richard L.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Knight, Monier, Weilbrenner, Colburn, Daloz, Eaton, Clyde S., Heald, Philip C., Ferguson, Bragdon, Hall, Bouchard, Maurice L., Parker, Gerry F., Gardner, Cleon J., Cote, Margaret S., Ouellette, Coutermarsh, Gabriel, Bednar, Keeney, Cares, Harvell, Van Loan, Abbott, Ainley, Daniels, Milne, Zachos, Ackerson, Bourassa, Montplaisir, Spirou, Clancy, Lynch, John T., Lemieux, Robinson, Belanger, Lynch, Doris T., Clear, Lamy, Lambert.

Motion to indefinitely postpone failed.

Ordered to third reading.

**HB 213**

relative to absentee ballot applications. Inexpedient to legislate. Rep. Flint for Statutory Revision.

The committee feels that the present system relative to absentee ballot applications is adequate.

Resolution adopted.

Rep. James O'Neil moved that HB 131, relative to operation of liquor stores on holidays, be removed from the table.

Adopted.

Rep. Desmarais moved that HB 131 be indefinitely postponed and spoke in favor of the motion.

Rep. R. E. O'Neil offered an amendment.

The Clerk read the amendment in full.

Rep. O'Neil spoke in favor of his amendment.

Reps. Gordon and McDonough spoke in favor of the amendment.

Reps. Collishaw and Monier spoke against the amendment.

(discussion)

Reps. Enright and Schwaner spoke against the amendment.

Reps. Morrison, Peter Cote and Gerry Parker spoke in favor of the amendment.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

Question being on the amendment offered by Rep. Robert E. O'Neil.

Amendment lost.

Question being on the motion that HB 131 be indefinitely postponed.

Motion lost.

Referred to Appropriations.

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Rep. Zachos moved that the order whereby HB 312, requiring information reporting agencies to inform subject individuals of such reports and to make a subject's file available to him for inspection and correction, was referred to Judiciary be vacated and be referred to Banks and Insurance.

Adopted.

Rep. Hayes moved that the order whereby HB 432, relative to the rabies control law, was referred to Fish and Game be vacated and be referred to Public Health and Welfare.

Adopted.

Rep. Shirley Clark moved that the order whereby HB 343, to create a State Department of Corrections, was referred to Executive Departments and Administration be vacated and be referred to Labor Human Resources and Rehabilitation.

Adopted.

Rep. Bowles moved that the order whereby HJR 22, providing an additional appropriation for the Merrimack Valley branch of the University of New Hampshire, was referred to Education be vacated and be referred to Appropriations.

Adopted.

#### BILLS DUE FOR REPORT (RULE 57) AND NOT REPORTED:

##### Education

HB 114, relative to the power of Franconia College to grant degrees.

##### Judiciary

HB 149, to repeal the dollar limitation on recovery in wrongful death actions.

##### Liquor Laws

HB 154, relative to off-sale permits.

The Speaker ordered the above bills placed on the calendar of March 18th.

#### SENATE MESSAGE

Senate concurrence

HB 9, prohibiting the use of motor boats on Chocorua Lake.

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Rep Tarr became a grandfather for the first time today.

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## Report of the Interim Dump Study Commission

July 1, 1969-June 30, 1971

The Interim Dump Study Commission was created by legislation proposed by Senator Harry Spanos, Senate Minority Leader from Newport. The Commission is composed of two members of the Senate appointed by the President of the Senate, four members of the House of Representatives appointed by the Speaker of the House, two members-at-large appointed by the Governor, and the Director of the Air Pollution Control Agency.

Members of the Commission are: Senators Laurier Lamontagne, Berlin; and Edith Gardner, Gilford (subsequently replaced by Senator Mitchell, Plymouth); Representatives Richard D. Hanson, Bow; Arthur W. Blain, Enfield; John A. Burke, Manchester; and Arthur Mann, Peterboro; Members-at-large Howard Northridge, Chairman of the Highway Commission, Manchester; Gordon H. Hanchett, Director of Public Works, Portsmouth; and Forrest H. Bumford, Director of the Air Pollution Control Agency. The first meeting of the Commission was held on March 18, 1970, and at that time Representative Hanson was elected Chairman and Forrest Bumford was elected Clerk.

The Commission met a total of eight times after this first meeting and on several of these occasions visited various open burning dumps, the pit incinerators installed in Laconia, and the municipal incinerator located in Manchester. The Commission intended to observe the operation of the experimental pit incinerator in Conway but because of the failure of the refractory on the door, they were unable to observe the unit in operation.

The duties of this Commission were to examine, evaluate, and make recommendations relative to problems associated with the conversion by cities and towns from open burning dumps to other means of solid waste disposal. In addition, they were to determine the feasibility of sanitary landfill and the elimination of pollution problem. Such matters as the possibility as well as the desirability of permitting certain municipalities to continue operating open dumps, what means of refuse disposal were economically and physically available to communities of the state, and if possible, comparative conver-

sion and operating costs of various possible solutions were to be studied. Any State or other economic assistance to towns and cities to convert to other than open burning waste disposal methods were to be investigated. The Commission is required by law to make a report of findings and studies to the General Court.

It is the recommendation of this Commission that all open burning dumps be discontinued in accordance with the regulation adopted by the Air Pollution Control Commission, beginning on July 1, 1972 for the larger communities and for the smallest towns, July 1, 1975. Although our state is quite highly industrialized it is strongly tourist oriented and after any weekend, complaints flow into the Division of Public Health Services, the Air Pollution Control Agency, and the Office of the Governor, concerning the burning dumps along or near highways. This Commission therefore feels strongly that no community, regardless of size, should be permitted to continue open burning beyond July 1, 1975.

As an immediate expedient the Commission feels that a sanitary landfill would be the best method of solid waste disposal for cities or towns. Wherever possible it appears to be in the best financial interest of towns and cities to attempt to combine their waste disposal efforts to obtain the best utilization of equipment, land, and personnel. In some instances, contractual services with private operators who have access to the necessary land and equipment might be more economical than for an individual municipality to provide the solid waste disposal facilities.

Incineration is generally more expensive than sanitary landfill but in certain locations may be the only answer. A small landfill operation is required in conjunction with incineration.

Recycling of waste may eventually be the best method of disposal presently available. Possibly a partial recycling plant may be installed in Manchester or the Portsmouth area, at some future date. The initial cost of such a plant would be considerable but salvage would defray a substantial part of interest and operation costs.

Disposal at sea is not considered to be in the best interest of man or his environment.

The Commission is supporting House Bill 172 sponsored by Representative Hanson of Bow, which in addition to more clearly defining types of waste and garbage, provides for disposing of manure and putrescible waste. The Commission has proposed an amendment to this legislation which would permit State intervention in municipalities where no method of waste disposal is available within their capability. This intervention would occur only when a Master had been appointed by the Superior Court.

A second House Bill, again sponsored by Representative Hanson, is being supported by the Commission. This bill essentially would grant to cities funds for solid waste disposal with larger sums to towns which form regional solid waste disposal districts. This is an attempt to stimulate regionalization of solid waste disposal efforts.

During the recent past, the Commission has been aware of a number of court cases in which private citizens have initiated action against cities and towns. All cases were resolved in favor of the plaintiff. Cases in point are Keene, Rye, Plaistow, and Nashua. Litigation is now in progress against Portsmouth and by the State of Vermont against the city of Lebanon.

Rep. Richard D. Hanson, Chairman  
Forrest H. Bumford, Clerk  
Sen. Laurier Lamontagne  
Sen. Lester E. Mitchell  
Rep. Arthur Blain  
Rep. John A. Burke  
Rep. Arthur Mann  
Mr. Gordon Hanchett  
Mr. Howard Northridge

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## APPENDIX

### Interim Dump Study Commission

#### SOME METHODS OF SOLID WASTE DISPOSAL

The types of disposal systems are numerous and varied. They include such methods as open burning dumps, sanitary landfill, incineration (some landfill required) and recycling. Compacting and shredding could be part of landfill, incinera-

tion, and also recycling. Recycling probably embraces all the remaining various types that could be considered, as it would be one phase or another of recycling with such methods as composting, reclaiming of metals, aluminum, newspapers, and other salvageable materials. Another disposal method about which we hear little is burial at sea. This is still in the basic research stage and it will be some time before conclusive results are obtained. At the present time we estimate that solid waste accumulates at about five and six pounds per person per day, not including industrial waste.

### *Open Burning Dumps*

The advantage of an open burning dump is, generally speaking, that it is the least expensive method of disposing of solid waste. However, it only disposes of the combustible material. The disadvantages are many. First of all, there is always a potential fire hazard. It contributes to air and water pollution. It provides a breeding ground for rats and flies. The cost of an open burning dump depends upon such circumstances as how often it is open, the type of terrain, the size of the population it serves. Costs may range from approximately 50 cents to \$1.50 per capita. These figures are based on information obtained from town reports on what is appropriated for these purposes by communities.

### *Sanitary Landfill*

Sanitary landfill is used effectively in several areas of the state at the present time. The actual operation varies from some of our larger cities to some of our smallest communities. The major disadvantage presently existing with sanitary landfill is the fact that a certain amount of land is required, usually a tract of approximately 7 acre feet per 7,000 people per year. Additionally, sufficient cover material must be available within economical hauling distance. The advantages of a sanitary landfill are many. First of all, it eliminates any potential fire hazard. It usually costs less than any other acceptable disposal method with the exception, of course, of open burning. It eliminates air pollution and with careful selection of the site, will eliminate water pollution potential. It provides no breeding ground for rats, flies, and reduces or eliminates, in the seacoast areas, the seagull problem. It can also reclaim land from lim-

ited use to areas for recreation, parking, airports, and industrial locations. Landfill operation may run from \$1.00 to \$4.00 per capita.

There are certain factors which must be considered when a landfill operation is proposed. It must be located where there is little possibility of any danger of ground or surface water pollution. The site must be accessible by an all weather road. Covering material must be available. Land costs must be reasonable. Site selection may include, but is not limited to, such areas as abandoned gravel pits and quarries, and rough and unused land. In some cases in a landfill operation it is necessary to provide areas for the accumulation of such items as refrigerators, stoves, bedsprings, and other metal. Additionally, an area must be provided for the disposal of brush and urban renewal waste, if such material is accepted in the waste disposal area. A sanitary landfill, in the strict interpretation of the definition, is covered after each day's operation with not less than 6 inches of a sandy loam cover and completely compacted. A 2-foot minimum cover is used when the site is filled. A sanitary landfill must be compacted before covering and compacted again after the covering material has been added.

### *Incineration*

Incineration is considerably more expensive than the two types of disposal systems previously mentioned. It involves a capital investment for an incinerator plus the fact that there still must be a small landfill operation. However, there is a use for incineration in areas where land is at a premium or where heat generation can be utilized. This probably would be feasible for cities and towns of 30,000-50,000 population and above. However, incineration is being tried in several small resort towns where much combustible material is generated. The approximate capital cost of incineration would be \$5,000 to \$10,000 per ton of material to go through the incinerator on a 24-hour operating day. Incineration might have to be considered in such areas as Manchester, Portsmouth, and some of the other seacoast towns where land is extremely scarce or no suitable areas are available for landfill operations. This might also be required in some of our mountainous regions where the topsoil is very thin and generally of insufficient quality. Incineration costs of waste may run between \$5.00 and \$10.00 per capita per year.

### *Recycling*

The recycling process at this particular time would not be suitable for the State of New Hampshire. While it has many advantages and we feel sure that at a future date it will be used, our information indicates that a large volume of material is required to ensure economical feasibility. The smallest practical setup would be to serve areas of 100,000 population.

By recycling we mean the removal from the waste material of all reusable items, such as newspapers and other paper products to be sent to converting mills; recovery of aluminum and other types of metal; recovery of glass; and the final disposition of garbage for fertilizer and/or some type of animal feed. Composting could be considered part of the recycling process.

### *Recommendations*

For the State of New Hampshire, the recommendations are in most cases that a landfill type operation be instituted. When possible, small towns should join together for economic reasons. Sites can be relocated from town to town as required. In many towns transfer stations should be considered. A hauling distance of 20 miles and greater near primary highways is not excessive when trailer-type transfer stations are considered.

Where landfill is not practical for the reasons stated above, an incinerator plus landfill should be considered. It may be necessary that legislative action be taken to require towns to join together for economic landfill operations and/or incineration, for the best interests of all concerned. This suggestion, we realize, is against our Yankee heritage but there are times this may be the best answer for the general welfare of the people of the State of New Hampshire. Private contractors should also be considered and be permitted to collect and operate a solid waste disposal site, so long as the area which they use is operated in strict accordance with State and local requirements.

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On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and resolutions by captions only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

LATE SESSION  
THIRD READINGS AND PASSAGE BY HOUSE

(Deputy Speaker in the Chair)

HB 271, to increase the salaries of the Coos county attorney and the Coos County commissioners.

HB 190, providing for competitive examinations for the selection and promotion of police officers and establishing a probationary period for newly selected police officers in towns.

HB 172, relating to public disposal facilities.

Rep. Maynard moved that HB 172 be indefinitely postponed and spoke in favor of the motion, and subsequently withdrew his motion.

Rep. Bowles moved that HB 172 be laid on the table.

Motion lost.

Rep. Levy moved that HB 172 be recommitted to committee and spoke in favor of the motion.

Reps. Roma Spaulding and Hanson spoke against the motion.

Reps. Bowles and Jameson spoke in favor of the motion.

(discussion)

Motion adopted.

Rep. Maynard requested a quorum count and subsequently withdrew his motion.

THIRD READINGS CONTINUED

HB 298, to provide for recording of short form leases.

HJR 21, in favor of William J. Wilson of Canterbury.

HB 268, relative to unauthorized insurance.

HB 199, to permit a legal voter who is registered as a member of a party to re-register as not being a member of any party.

RECONSIDERATION

Rep. MacDonald, having voted with the majority, moved

that the House reconsider its action whereby it passed HB 199 and spoke against the motion.

Motion lost.

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On motion of Rep. Knight the House adjourned at 2:32 p.m.

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### *Thursday, 11Mar71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

SHALOM.

This day we pray to Thee, O LORD, who lovest peace, that all hatred among the children of men shall end forever. Let all nations learn to recognize that they have the same Heavenly Father; and let all followers of all religions know that they are brothers. Grant us a share of the courage of Esther and of the wisdom of Mordecai. May our hearts never harbor narrow prejudice, nor our lives evidence any such expression. With tolerant mind and friendly spirit, may we ever be like the "children of Israel" who have been always taught the hope that men will be united in the worship of Thee, O GOD and Father of us all. Amen.

(ex. *Union Hymnal*, 1949, 3rd edition . . . adapted *Purim Prayer*.)

Rep. Coburn led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Fernald and Brown, the day, illness.

### RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 472 through 523 and House Joint Resolution number 37 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 472, establishing the time when beaver may be trapped in Coos County. (Huggins of Coos Dist. 1 — To Fish and Game.)

HB 473, relative to payment by the state in certain cases of the cost of educating children living in foster homes. (Dalo of Hillsborough Dist. 6 — To Public Health and Welfare.)

HB 474, authorizing additional reimbursement for state employees who are required to haul state owned property in trailer behind their privately owned vehicles. (Fuller of Merrimack Dist. 26 — To Transportation and Aeronautics.)

HB 475, providing that Marion L. Wagner shall receive retirement credit for certain prior service and making an appropriation therefor. (Coutermarsh of Hillsborough Dist. 22 — To Education.)

HB 476, relative to the town of Exeter. (Eastman of Rockingham Dist. 16 — To Statutory Revision.)

HB 477, relative to fees for registration as professional engineer. (Page of Rockingham Dist. 16 — To Executive Departments and Administration.)

HB 478, providing for the adoption of Margaret Mary Nault. (Vey of Rockingham Dist. 13 — To Judiciary.)

HB 479, providing for county home rule. (Monier of Hillsborough Dist. 4 — To Judiciary.)

HB 480, to permit a child of divorced parents who has attained the age of seventeen to choose the parent with whom he wishes to live. (Murray of Hillsborough Dist. 7 — To Judiciary.)

HB 481, relative to committee selection in the house of representatives. (Hardy of Merrimack Dist. 4 — To Statutory Revision.)

HB 482, relative to bail commissioners. (Grady of Hillsborough Dist. 40; O'Connor of Hillsborough Dist. 36 — To Judiciary.)

HB 483, eliminating the limit on assets as a qualification for exemption for elderly persons. (Schwaner of Rockingham Dist. 9 — To Ways and Means.)

HB 484, providing that cities and towns shall establish the location of liquor stores in their confines. (Schwaner of Rockingham Dist. 9 — To Liquor Laws.)

HB 485, relative to selling tobacco to minors. (Howard of Merrimack Dist. 26 — To Statutory Revision.)

HB 486, to prohibit changing the mileage on a motor vehicle odometer. (Cummings of Cheshire Dist. 17 — To Transportation and Aeronautics.)

HB 487, establishing the Rye district court. (Hammond of Rockingham Dist. 22 — To Judiciary.)

HB 488, imposing a temporary tax on the value of property transferred as payrolls by business employers. (Cochrane of Strafford Dist. 4 — To Ways and Means.)

HB 489, relative to the sentence for murder and the proceedings to determine the sentence. (Zachos of Hillsborough Dist. 27, for the Joint Committee on Codification of Criminal Laws — To Judiciary.)

HB 490, relative to the New Hampshire annual conference of the Methodist Church. (Zachos of Hillsborough Dist. 27 — To Statutory Revision.)

HB 491, permitting the publication of the name of an arrested juvenile. (Spaulding of Sullivan Dist. 4 — To Judiciary.)

HB 492, relative to the statute of limitations in divorce actions. (Spaulding of Sullivan Dist. 4 — To Judiciary.)

HB 493, restricting the operation of motor vehicles by drivers under eighteen years of age. (Boisvert of Hillsborough Dist. 33 — To Transportation and Aeronautics.)

HB 494, relative to tax exemptions for water and air pollution control facilities. (Greene of Rockingham Dist. 22 — To Ways and Means.)

HB 495, prohibiting the use of motor boats with engines in excess of five horsepower on certain bodies of water in Ossipee. (Webster of Carroll Dist. 6 — To Resources, Recreation and Development.)

HB 496, redistricting the county commissioners' districts in Rockingham county. (Scamman of Rockingham Dist. 15 — To Special Committee, Rockingham Delegation.)

HB 497, removing weighted voting in supervisory union elections. (Scamman of Rockingham Dist. 15 — To Statutory Revision.)

HB 498, relative to mandatory arbitration of claims where the amount involved is three thousand dollars or less. (Burns of Coos Dist. 4 — To Judiciary.)

HB 499, relative to the placing of yield and stop signs on public highways. (Hughes of Carroll Dist. 8 — To Transportation and Aeronautics.)

HB 500, relative to the highway operation of farm vehicles. (Hughes of Carroll Dist. 8 — To Transportation and Aeronautics.)

HB 501, relative to the board of chiropractic examiners and registration and making an appropriation therefor. (Sayer of Rockingham Dist. 7 — To Executive Departments and Administration.)

HB 502, relative to confidentiality of the tax commission records of the business profits tax division. (D'Amante of Sullivan Dist. 5 — To Judiciary.)

HB 503, to require kindergartens in all elementary schools. (Parker of Hillsborough Dist. 15 — To Education.)

HB 504, providing for automatic vacating of the office of any elected town or school official because of absenteeism. (Morrison of Rockingham Dist. 7 — To Municipal and County Government.)

HB 505, providing that school districts pay part of the cost of tuition for vocational education provided by another district, that the state pay the balance and making an appropriation therefor. (O'Neil of Rockingham Dist. 7 — To Education.)

HB 506, changing part of the boundary line between the towns of Bartlett and Hart's Location. (Howard of Carroll Dist. 1 — To Municipal and County Government.)

HB 507, establishing a Hooksett District Court. (Riley of Merrimack Dist. 7; Enright of Merrimack Dist. 7; Little of Merrimack Dist. 9; Gamache of Merrimack Dist. 8; Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 508, exempting certain temporary heliports from registration under the provisions of the aeronautics act. (Coutermarsh of Hillsborough Dist. 22 — To Transportation and Aeronautics.)

HB 509, including sole proprietors under the provisions of the workmen's compensation law. (Greenwood of Rockingham Dist. 12 — To Labor, Human Resources and Rehabilitation.)

HB 510, clarifying the relationship of school boards and the voters of a school district relative to regulations. (Eaton of Hillsborough Dist. 9 — To Education.)

HB 511, providing an exemption to persons over sixty-five against their real estate tax. (Smith of Rockingham Dist. 7 — To Ways and Means.)

HB 512, relative to conservation officers and their pay schedule. (LaMott of Grafton Dist. 6; Hayes of Carroll Dist. 3 — To Fish and Game.)

HB 513, extending the room and meals tax to include tenancies of less than three months in apartment dwellings. (Smith of Rockingham Dist. 7 — To Ways and Means.)

HB 514, increasing the penalties for misuse of motor vehicle registration plates. (Twardus of Rockingham Dist. 14 — To Transportation and Aeronautics.)

HB 515, increasing the penalties for operating a motor vehicle without a license. Twardus of Rockingham Dist. 14 — To Transportation and Aeronautics.)

HB 516, relative to uniformed police officers in attendance at public dances, carnivals and circuses. (Twardus of Rockingham Dist. 14 — To Judiciary.)

HB 517, relative to the name of cooperative banks, build-

ing and loan associations or savings and loan associations. (Greeley of Merrimack Dist. 16 — To Banks and Insurance.)

HB 518, relative to the salary of the Carroll county sheriff. (Davis of Carroll Dist. 2 — To Special Committee, Carroll Delegation.)

HB 519, relative to the fees charged in the registry of deeds of Carroll county. (Davis of Carroll Dist. 2 — To Special Committee, Carroll Delegation.)

HB 520, providing that putting harmful objects or substances in food or drink and giving such food or drink to another is a crime. (Maglaras of Strafford Dist. 20 — To Judiciary.)

HB 521, limiting the real estate tax payable by persons over sixty-five to five percent of their gross income. (Knight of Hillsborough Dist. 4; Roberts of Belknap Dist. 3; Soule of Rockingham Dist. 4 — To Ways and Means.)

HB 522, relative to the duties of the water supply and pollution control commission. (Junkins of Rockingham Dist. 16 — To Resources, Recreation and Development.)

HB 523, providing for an exemption to persons over sixty-five for that portion of their real estate tax which is attributable to expenditures for education. (Knight of Hillsborough Dist. 4; Roberts of Belknap Dist. 3; Soule of Rockingham Dist. 4 — To Ways and Means.)

HJR 37, providing for a study of state employees' wages. (Parker of Hillsborough Dist. 15 — To Executive Departments and Administration.)

## COMMITTEE REPORTS

### SB 35

eliminating certain duties of the secretary of state. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

The secretary of state shall deliver to the clerk of each branch of the legislature, on the first day of the session, all papers pertaining to the unfinished business of the preceding session in that branch.

Rep. Drew requested a quorum count.

290 members having answered, a quorum was present.

Ordered to third reading.

**HB 282**

imposing a bounty on fisher cats. Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

Provides statewide trapping season on fisher cats.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for an open season on fisher.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fisher. Amend RSA 210:3-a (supp) as inserted by 1965, 271:1 and amended by 1967, 441:1 and 1969, 230:1 by striking out said section and inserting in place thereof the following: 210:3-a Open Season. Fisher may be taken and possessed in all counties in the state from December first to March first.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 82**

relative to the expenditure of funds in urban renewal programs. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Financial Report. Amend RSA 203:27 by striking out said section and inserting in place thereof the following new section: 203:27 Reports. At least thirty days prior to the annual public hearing on the municipality's budget, an authority shall file with the clerk a financial report for the authority's last

fiscal year, provided that such fiscal year shall end at least ninety days prior to the public hearing. Such report shall contain an estimate of the payment to be made by the municipality for the ensuing year.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 198**

providing that the state shall reimburse cities and towns for taxes lost because of exemptions to the elderly and making an appropriation therefor. Ought to pass. Rep. Benton for Municipal and County Government.

Rep. Hanson moved that HB 198 be referred to Ways and Means.

Adopted.

### **HB 318**

relating to the town of Gorham. Ought to pass. Rep. Timothy O'Connor for Municipal and County Government.

Ordered to third reading.

### **HB 187**

to revise the procedures governing the practice of dentistry in the state of New Hampshire. Ought to pass with amendment. Rep. Helen Wilson for Public Health and Welfare.

Updates dentistry laws. Title self explanatory.

### **AMENDMENT**

Amend section 1 of the bill by inserting after RSA 317-A:35 as inserted by said section the following:

317-A:36 Location of Office. The office of the New Hampshire state board of dental examiners shall be located in the bureau of dental public health, division of public health services, department of health and welfare.

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3 Budget. The board shall operate within the following budget for fiscal years:

	1972	1973
Income (estimated)	\$10,000.00	\$2,200.00
Expenses:		
Other personal services	3,465.00	3,100.00
Current expense		
a. Printing and Binding	1,080.00	380.00
b. Supplies	80.00	80.00
c. Postage	225.00	225.00
d. Telephone and Telegraph	80.00	80.00
e. Membership Fees	175.00	175.00
Equipment	115.00	100.00
Travel — In State	200.00	200.00
Travel — Out of State		
Common carriers	310.00	945.00
Hotel and meals	420.00	420.00
Mileage	65.00	80.00
Limousine, cab, registration, gratuity, etc.	75.00	75.00
Total Expenditures:	\$6,290.00	\$5,860.00

4 Effective Date. This act shall take effect July 1, 1971.

Amendment adopted.

Referred to Appropriations.

## HB 201

relative to donation of blood by minors. Ought to pass with amendment. Rep. Goodrich for Public Health and Welfare.

Title self explanatory.

## AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Capacity to Consent. Amend RSA 571 by inserting after section 24 the following new section: 571:24-a Minor Blood Donors. Any minor of sound mind who has attained the age of eighteen years or any married minor regardless of age may donate blood in any voluntary and noncompensatory blood program, or receive medical, dental or surgical treatment, without the necessity of obtaining the consent of any parent, guardi-

an, or any other person having the care and custody of such minor.

Amendment adopted.

Ordered to third reading.

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## **HB 207**

relative to the control of radiation. Ought to pass with amendment. Rep. Goodrich for Public Health and Welfare.

Adds nonionizing radiation to the present statutes of control of radiation. Amendment reverts fees back to original statutes.

## **AMENDMENT**

Amend sections 6 and 7 of the bill by striking out the same and inserting in place thereof the following:

6 License Fee. Amend RSA 125:62, V (supp) as inserted by 1965, 336:2 by striking out said paragraph and inserting in place thereof the following:

V. The agency shall assess annual fees for the licensing and/or registration of sources and devices emitting ionizing radiation in accordance with the following schedule:

(a) Each individual user named on a specific license issued by the agency, except radiographers, teletherapy units, and manufacturers and/or distributors of devices containing radioactive material, ten dollars;

(b) Radiographer employing radioactive material and licensed by the agency, fifty dollars;

c) Manufacturer and/or distributor of devices containing radioactive material and licensed by the agency, fifty dollars;

(d) Teletherapy units, one hundred dollars;

(e) Diagnostic-type X-ray machine, including medical, medical fluoroscopic, dental, chiropractic, veterinary, or similar uses, ten dollars; for each additional machine at the same location, five dollars;

(f) Therapeutic-type X-ray machines and particle accelerators capable of being operated at potentials not above 500,000 volts (per unit) twenty-five dollars;

(g) Therapeutic-type X-ray machines and particle accelerators capable of being operated at potentials above 500,000 volts (per unit), one hundred dollars;

(h) Industrial X-ray machine, including fluoroscopic, X-ray fluorescence, and X-ray diffraction units (per unit), twenty-five dollars.

7 Combination License. Amend RSA 125:62, VI, (supp) as inserted by 1965, 336:2 by striking out said paragraph and inserting in place thereof the following: VI. Any person or organization may elect to pay a combination license and registration fee of two hundred dollars in lieu of a multiplicity of separate license and/or registration fees. The combined fee shall cover all specific licenses and/or registrations issued to the person or organization for uses at one location or address by the agency.

Amendment adopted.

Ordered to third reading.

## **HB 216**

relating to excepted persons in the practice of medicine. Ought to pass with amendment. Rep. Conley for Public Health and Welfare.

Adds para-medical personnel to present statutes to excepted persons in the practice of medicine.

## **AMENDMENT**

Amend RSA 329:21, V, as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

V. To podiatry; or

Amend RSA 329:21, XII, as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

XII. To such physician's assistants and other para medical personnel as have been approved by the board but only if such person:

(a) is a student in an established program which has been approved by the board; or

(b) is a graduate of such a program, while under the supervision and control of a physician licensed in this state.

Amendment adopted.

Ordered to third reading.

### **HB 217**

relating to occupational health services. Ought to pass. Rep. Helen Wilson for Public Health and Welfare.

Housekeeping bill — broadens area of investigation of health hazards.

Ordered to third reading.

### **HB 115**

relative to the control of junkyards on the interstate, federal-aid primary and turnpike highway systems. Ought to pass with amendment. Rep. Hackler for Public Works.

Basically extends the junkyard law to the New Hampshire Turnpike system and incorporates the definition of industrial area now being used by the Department of Public Works and Highways into the present law.

## **AMENDMENT**

Amend RSA 249-B:2, IX, (d) as inserted by section 3 of the bill by striking out the same and inserting in place thereof the following:

(d) Transient or temporary activities.

Amend RSA 249-B:2, X, as inserted by section 3 of the bill by striking out the same and inserting in place thereof the following:

X. The words "unzoned industrial area" shall mean the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within five hundred feet thereof which is —

(a) Located on the same side of the highway as the principal part of said activity, and

(b) Not used for residential or commercial purposes, and

(c) Not zoned by state or local law, regulation or ordinance.

Amend section 4 of the bill by striking out the same and inserting in place thereof the following:

4 Hearings; Findings; Notice. Amend RSA 249-B:8 (supp) as inserted by 1967, 252:1 by striking out said section and inserting in place thereof the following: 249-B:8 Grant or Denial of Application; Appeal. After the hearing the commissioner of public works and highways shall, within two weeks, make a finding as to whether or not the application should be granted, giving notice of his finding to the applicant by mail, postage prepaid, to the address given on the application. If approved by the commissioner of public works and highways, the license including the certificate of approved location shall be forthwith issued to remain in effect until the following April first. License approval is personal to the applicant for a specific location and it is not assignable or transferable. Licenses shall be renewed annually thereafter on April first, upon payment of the annual license fee without a hearing if all provisions of this chapter are complied with during the license period, and if the applicant is not convicted of any type of larceny or of receiving stolen goods. A writ of certiorari lies from the denial of the application to the superior court of the county in which the proposed location is situated.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Lands Adjacent to Certain Highways. Amend RSA 249-B:13 (supp) as inserted by 1967, 252:1 by striking out in line three the words "and primary system" and inserting in place thereof the words (federal-aid primary and turnpike systems) so that said section as amended shall read as follows: 249-B:13 Public Land. All public lands or reservations of the United States, state, city, town or other political subdivision which are adjacent to any portion of the interstate, federal-aid primary, and turnpike systems shall be effectively controlled in accordance with the provisions of this chapter.

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

6 Industrial Operations Permitted in Certain Areas. Amend RSA 249-B:14 (supp) as inserted by 1967, 252:1 by striking

out said section and inserting in place thereof the following: 249-B:14 Industrial Areas. Notwithstanding any provision of this chapter, junkyards, auto graveyards, and scrap metal processing facilities may be operated within areas adjacent to the interstate system, the federal-aid primary system, and the turn-pike system which are within one thousand feet of the nearest edge of the right of way and which are within a zoned industrial area, or which are within an unzoned industrial area but are used for industrial activities.

Amendment adopted.

Ordered to third reading.

### **HJR 20**

providing an appropriation for Old Fort Number Four. Ought to pass. Rep. Donald Chase for Public Works.

Referred to Appropriations.

### **SB 5**

providing payment to persons for loss of existing mortgage financing where such persons are displaced as a result of highway activities. Ought to pass with amendment. Rep. Fleming for Public Works.

Utilizes the new Federal Highway Act to aid persons displaced by highways who are forced to borrow mortgage money at higher rates than the former mortgage rate on the home from which they were displaced.

### **AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect as of January 2, 1971.

Amendment adopted.

Referred to Appropriations.

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### **SB 6**

providing that when highway work requires relocating municipally owned underground utility facilities the governmental agency doing the work shall pay for the trenching and back-

filling. Ought to pass with amendment. Rep. Burns for Public Works.

Provides for payment by the state for the partial cost of moving municipally-owned utilities displaced by state highway projects plus the cost of the undepreciated value of the subterranean facility.

#### AMENDMENT

Amend RSA 229:6-a as inserted by section 1 of the bill by striking out in line fifteen the words "allocable share as determined by the commissioner" and inserting in place thereof the words (proportionate share) and inserting at the end thereof the following (Furthermore, the governmental agency shall pay the municipality for the remaining life value of the municipally-owned subterranean facility prematurely retired.) so that said section as amended shall read as follows:

1 Relocation of Underground Utilities. Amend RSA 229 by inserting after section 6 the following new section: 229:6-a Cost of Trenching for Relocation of Underground Utilities. When the commissioner shall determine that a highway reconstruction, relocation, or maintenance project financed in whole or in part by state funds and conducted under department of public works and highways supervision or control necessitates the relocation of any municipally-owned subterranean utilities facilities, any trenching and backfilling required for such relocation shall be part of the cost of such reconstruction, relocation, or maintenance and shall be provided by the governmental agency which is carrying out such highway work at no cost to the municipally-owned utility. Provided, however, that if a public utility other than a municipally-owned utility makes use of a relocation trench provided for in this section, said utility shall pay the governmental agency carrying out such work its proportionate share of the cost of such trenching and backfilling. The provisions of this section shall apply to any work which remains to be performed on any contract which is incomplete on the effective date of this section. Furthermore, the governmental agency shall pay the municipality for the remaining life value of the municipally-owned subterranean facility prematurely retired.

Amendment adopted.

Referred to Appropriations.

**HB 306**

relative to aid granted to former patients of the state mental institution and making an appropriation therefor. Inexpedient to legislate. Rep. Richard Cummings for State Institutions.

Covered by existing agencies and statutes.

Rep. Cleon Heald explained the committee report.

Resolution adopted.

**HB 307**

to establish community winter resource areas and making an appropriation therefor. Inexpedient to legislate. Rep. Dennis Murphy for State Institutions.

Subject matter needs further study and investigation.

Rep. Williamson moved that HB 307 be recommitted to committee for further study and spoke in favor of the motion.

Reps. Sherman and Cleon Heald spoke in favor of the motion.

Adopted.

**HB 246**

authorizing the use of breath tests to determine the percentage of alcohol in the blood stream of motor vehicle operators. Ought to pass with amendment. Rep. Hamel for Transportation.

Allows for a breath test under the Implied Consent Law and sets standards for its operation. The accuracy and reliability of modern equipment was clearly shown at the hearing.

**AMENDMENT**

Amend RSA 262-A:69-a (supp) as inserted by section 1 of the bill by inserting at the end thereof the following (Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.) so that said section as amended shall read as follows:

262-A:69-a Implied Consent of Driver of Motor Vehicle to Submit to Chemical Testing to Determine Alcoholic Content of Blood. Any person who operates a motor vehicle upon the

public highways of this state shall be deemed to have given consent to a chemical test or tests, of any or all or any combination of the following: blood, urine, and breath; for the purpose of determining the alcoholic, narcotic or drug content of his blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor, narcotics or drugs. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, narcotics or drugs. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within forty-eight hours of receipt of the report by the agency by registered mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

Amendment adopted.

Ordered to third reading.

The Speaker called for the Special Order on

#### **HB 110**

providing for secret balloting upon questions at certain town meetings when requested by three voters. No report.

The committee offered the following amendment.

#### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

relative to the conduct of voting at town and village district meetings and school districts within said town.

Further amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Method of Voting. Amend RSA 40 by inserting after section 4 the following new subdivision:

### Conduct of Voting

40:4-a Votes. When a vote, other than one required to be by ballot, is to be taken the moderator shall conduct it by voice vote and declare the vote. Upon objection by any voter the moderator shall make the vote certain by division vote.

40:4-b Secret Ballot. At any meeting of a town with a population of more than five hundred, five voters may make a request in writing prior to a vote by voice vote or division vote that the vote be taken by secret written ballot. Upon receiving such a request, the moderator shall conduct the vote by secret "yes-no" ballot. At any meeting of a town of a population five hundred or less, three voters may request secret balloting as provided herein.

40:4-c Questioning a Vote. When any vote, other than by ballot, declared by the moderator or other officer presiding shall, immediately and before any other business is begun, be questioned in writing by seven or more of the voters present, the moderator or other officer presiding shall retake the vote by secret "yes-no" ballot.

2 Moderator's Obligation. Amend RSA 40:6 by striking out said section and inserting in place thereof the following: 40:6 Penalty for Default of Presiding Officer. Any moderator or other officer presiding who shall wilfully neglect or refuse to follow the procedures for voting established in this chapter or who shall wilfully violate or neglect to enforce any rule of proceeding which shall have been established by vote of the town or otherwise, shall be fined not more than five hundred dollars or imprisoned not more than six months.

3 Repeal. RSA 40:5 relative to polling of voters is hereby repealed.

4 Village Districts. Amend RSA 52 by inserting after section 11 the following new section: 52:11-a Voting at District Meetings. Votes at district meetings shall be conducted according to the procedures established for town meetings in RSA 40:4-a, 4-b, 4-c and 40:6.

5 Effective Date. This act shall take effect upon its passage.  
The Clerk read the amendment in full.

Rep. Belair requested an explanation of HB 110.

Rep. Bednar explained the bill.

(discussion)

Amendment adopted.

Rep. Bednar moved that HB 110 be ordered to third reading at the late session.

Adopted.

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Rep. Shirley Clark requested a 6 day extension on HB 15, relative to public accountancy and making an appropriation therefor.

Granted.

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Rep. Roma Spaulding moved that the order whereby HJR 29, appropriating additional funds to be used by the bureau of maternal and child health, division of public health, department of health and welfare to administer maternal and child care programs, was referred to Public Health and Welfare be vacated and referred to Appropriations.

Adopted.

Rep. Roma Spaulding moved that the order whereby HB 172, relating to public disposal facilities, was referred to Public Health and Welfare be vacated and referred to Environmental Quality and Agriculture.

Adopted.

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Rep. Bowles requested a 6 day extension on HB 185, establishing a school district reorganization commission and making an appropriation therefor.

Granted.

#### BILLS DUE FOR REPORT (RULE 57) AND NOT REPORTED:

##### Judiciary

HB 173, increasing the revocation of license from sixty days to one year for driving while intoxicated & increasing to one year the revocation of license for refusing to consent to a blood test.

HB 180, relative to district courts.

To be placed on the Calendar for March 18.

### UNANIMOUS CONSENT

Rep. Gerry Parker addressed the House by unanimous consent.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and resolutions by captions only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Adopted.

(Deputy Speaker in the Chair)

### LATE SESSION

#### THIRD READINGS AND PASSAGE BY THE HOUSE

SB 35, eliminating certain duties of the secretary of state.

HB 282, providing for an open season on fisher.

HB 82, relative to the expenditure of funds in urban renewal programs.

HB 318, relating to the town of Gorham.

HB 201, relative to donation of blood by minors.

HB 207, relative to the control of radiation.

HB 216, relating to excepted persons in the practice of medicine.

HB 217, relating to occupational health services.

HB 115, relative to the control of junkyards on the interstate, federal-aid primary and turnpike highways systems.

HB 246, authorizing the use of breath tests to determine the percentage of alcohol in the blood stream of motor vehicle operators.

HB 110, relative to the conduct of voting at town and village district meetings and school districts within said town.

Rep. Shirley Clark moved that the order whereby HB 237, establishing a regional government commission and making an appropriation therefor, was referred to Executive Departments and Administration be vacated and referred to Municipal and County Government.

Adopted.

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Rep. McLane moved that the order whereby HB 494, relative to tax exemptions for water and air pollution control facilities, was referred to Ways and Means be vacated and referred to Environmental Quality and Agriculture.

Adopted.

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On motion of Rep. Vachon the House adjourned at 12:23 p.m.

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*Tuesday, 16Mar71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. William L. Shafer.

GOD, our Father, ruler of all the universe, with humble spirit, sensing our need for direction, we put aside all false pride and selfish preoccupation, that we may see clearly that our best fulfillment comes in our relationships and responsibilities. Strengthen us to bear the burdens of truth, the cares of our constituency, and the responsibilities of freedom — to do the hard tasks that must be done, to build, together, a better world, where the will to serve is greater than the desire to be served. Amen.

Rep Allard led the Pledge of Allegiance.

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The Speaker designated Rep. James O'Neil to take the Chair for today's session.

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### LEAVES OF ABSENCE

Rep. Blanchette, the week, illness.

Rep. Forbes, the day, death in family.

Rep. Brunelle, today and tomorrow, a funeral out of state.

Rep. Michels, the week, important business.

Rep. Radway, five legislative days, important business.

Rep. Davidson, indefinite, important business.

### QUALIFIED

The following persons appeared before the Governor and Council at their meeting today and were sworn in as members of the 1971 General Court:

Olga Sysyn of Manchester, District 33, Hillsborough County.

Donald J. Piper of Franklin, District 15, Merrimack County.

Rep. Sysyn has been assigned to Labor, Human Resources and Rehabilitation.

Rep. Piper has been assigned to Judiciary.

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The Speaker read the following letter and ordered it printed in today's Journal.

March 16, 1971

Dear Mr. Speaker,

It is of interest to note that today marks the 291st anniversary of the first meeting of the Legislature of the Province of New Hampshire held in Portsmouth on March 16, 1680.

The Executive Council had been appointed by His Majesty, George II, in a Royal Commission signed by the King in England on September 18, 1679. This Royal Commission and in-

structions for its implementation was hand delivered to John Cutt of Portsmouth at his home by the Royal Messenger, Edward Randolph, on December 27, 1679. John Cutt was the appointee of the Crown to be the first President of the Executive Council in New Hampshire.

The appointees of the Crown to serve on the Executive Council with John Cutt were summoned by him to Portsmouth on January 1, 1680 and after three weeks of consideration following days of controversial discussion they took their oath of office on January 21, 1680. The Royal Commission was read to the inhabitants of the four settlements on the following day, January 22, 1680.

Under the terms of the Royal Commission the Executive Council, among other responsibilities, was to serve as the Upper House of the Legislature. They were given three months to arrange for the election of a representative Assembly which would serve as the Lower House.

After obtaining a list of the inhabitants and the value of their estates from the selectmen of the four settlements the Executive Council determined that there were 209 qualified voters in the Province of New Hampshire — 71 from Portsmouth, 61 from Dover, 57 from Hampton and 20 from Exeter.

The election of the Representatives to the Assembly was set for March 9, 1680 and no more than three Representatives were to be elected from each settlement. Portsmouth, Dover and Hampton each elected three and Exeter elected two for a total of eleven Representatives. They joined the Executive Council of nine Councilors, three from Portsmouth, two each from Dover and Hampton and 1 each from Exeter and Great Island, and the first legislative session was held in Portsmouth on March 16, 1680.

I thought this bit of historical reference might be of interest to you and to the members of the House of Representatives on this anniversary date.

Very truly yours,  
James H. Hayes  
Executive Councilor

## RESOLUTION

Rep. MacDonald offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 524 through 565 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 524, relative to voting hours in small towns. (Cumings of Rockingham Dist. 11 — To Municipal and County Government.)

HB 525, relative to incompatibility of town offices. (Cumings of Rockingham Dist. 11 — To Municipal and County Government.)

HB 526, establishing the standardbred development commission within the department of agriculture. (Huot of Belknap Dist. 9 — To Environmental Quality and Agriculture.)

HB 527, establishing certain new charges and fees to be collected by the tax collectors. (Woodward of Merrimack Dist. 26 — To Municipal and County Government.)

HB 528, authorizing town treasurers to deposit moneys in insured savings accounts. (O'Neil of Rockingham Dist. 7 — To Municipal and County Government.)

HB 529, relative to the destruction and removal of boundary markers. (Bennett of Cheshire Dist. 9 — To Statutory Revision.)

HB 530, amending the liquidity provisions applicable to building and loan associations, cooperative banks or savings and loan associations. (Greeley of Merrimack Dist. 16 — To Banks and Insurance.)

HB 531, authorizing cooperative banks, building and loan associations, mutual savings banks, savings and loan associations, or federal savings and loan associations to organize a service corporation. (Greeley of Merrimack Dist. 16 — To Banks and Insurance.)

HB 532, constituting the Merrimack district court. (Lyons of Hillsborough Dist. 25; Dwyer of Hillsborough Dist. 25; Van Loan of Hillsborough Dist. 25; Harvell of Hillsborough Dist. 26; Bridges of Hillsborough Dist. 26 — To Judiciary.)

HB 533, to clarify motor vehicle title exemptions. (Hammond of Rockingham Dist. 22 — To Transportation and Aeronautics.)

HB 534, permitting dining and dancing in the same room where liquor is served. (Sayer of Rockingham Dist. 7; D'Amante of Sullivan Dist. 5 — To Liquor Laws.)

HB 535, relative to transfers of land between abutting owners. (Greene of Rockingham Dist. 22 — To Municipal and County Government.)

HB 536, relative to the taking of land for state park facilities in the town of Rye. (Greene of Rockingham Dist. 22; Hammond of Rockingham Dist. 22 — To Resources, Recreation and Development.)

HB 537, providing for liquor licenses for first class ballrooms. (Sayer of Rockingham Dist. 7 — To Liquor Laws.)

HB 538, establishing an exemption from property taxes for certain persons over sixty-five years of age. (Sayer of Rockingham Dist. 7 — To Ways and Means.)

HB 539, authorizing the state fire marshal to promulgate certain fire safety regulations. (LaMott of Grafton Dist. 6 — To Executive Departments and Administration.)

HB 540, amending the charter of the union school district of Keene relative to the term of office of the treasurer. (Moran of Cheshire Dist. 16 — To Special Committee, Keene Delegation.)

HB 541, relative to town appropriations for Independence Day. (Belair of Rockingham Dist. 7 — To Municipal and County Government.)

HB 542, to require cities and towns to provide tax maps. (Roberts of Belknap Dist. 6 for the Legislative Study Committee — To Municipal and County Government.)

HB 543, to increase the fee for non-resident hunting and fishing licenses. (Chamberlin of Grafton Dist. 5 — To Fish and Game.)

HB 544, to provide for review of area school plan and withdrawal after the third anniversary. (Lockhart of Rockingham Dist. 22 — To Education)

HB 545, permitting the conduct of beano games on Sunday and increasing the fee for beano licenses. (Walsh of Hillsborough Dist. 31 — To Statutory Revision.)

HB 546, to define, control and prohibit the littering of public or private property. (Burrows of Sullivan Dist. 5; D'Amante of Sullivan Dist. 5 — To Environmental Quality and Agriculture.)

HB 547, relative to publication of political contributions and expenditures. (Zachos of Hillsborough Dist. 27 — To Statutory Revision.)

HB 548, relative to the use of the state seal. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 549, relative to revisions and supplements to the law enforcement manual. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 550, providing copies of the Revised Statutes Annotated for attorneys in the office of attorney general. (Zachos of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 551, clarifying the duties of the deputy attorney general. (Zachos of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 552, relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands commission and making an appropriation therefor. (Junkins of Rockingham Dist. 16; Lockhart of Rockingham Dist. 22 — To Environmental Quality and Agriculture.)

HB 553, reinstituting the stock and trade tax, providing for return of certain revenue to towns and cities and making an appropriation therefor. (Stevenson of Grafton Dist. 1; Bednar of Hillsborough Dist. 23 — To Ways and Means.)

HB 554, removing taxicabs from the jurisdiction of the public utilities commission. (Gordon of Merrimack Dist. 9 — To Transportation and Aeronautics.)

HB 555, relative to issuance of certificates for carriage of household goods for hire by motor vehicle. (Gordon of Merrimack Dist. 9 — To Transportation and Aeronautics.)

HB 556, establishing a committee to review proposed real estate acquisition by the state. (Gordon of Merrimack Dist. 9 — To Executive Departments and Administration.)

HB 557, relative to electing the speaker of the house of representatives by roll call vote. (Gordon of Merrimack Dist. 9 — To Statutory Revision.)

HB 558, eliminating the minimum fine for fishing without a license. (Gordon of Merrimack Dist. 9 — To Fish and Game.)

HB 559, relative to the sale of sweepstakes tickets. (Gordon of Merrimack Dist. 9 — To Ways and Means.)

HB 560, prohibiting the issuance of free hunting and fishing licenses. (Gordon of Merrimack Dist. 9 — To Fish and Game.)

HB 561, providing that the commissioner of education be elected. (Gordon of Merrimack Dist. 9 — To Education.)

HB 562, establishing limits on the season for taking wild deer. (Gordon of Merrimack Dist. 9 — To Fish and Game.)

HB 563, removing the requirement for affidavits as to payment of head and poll taxes for registration of motor vehicles. (Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 564, relative to increasing the membership of the advisory commission on health and welfare. (York of Merrimack Dist. 20; Reddy of Merrimack Dist. 5 — To Public Health and Welfare.)

HB 565, establishing criteria of residency for the purposes of tuition at the University of New Hampshire. (Clark of Strafford Dist. 4 — To Judiciary.)

## SENATE MESSAGE

### Concurrence

HB 136, to authorize use of fictitious names in certain proceedings in equity.

## COMMITTEE REPORTS

**HB 326**

relative to the regulation of credit investigators. Inexpedient to legislate. Rep. Tremblay for Banks and Insurance.

The committee feels that this bill would create an undue hardship on credit investigators and an added cost to the users of credit.

Rep. Monier spoke in favor of the committee report.

Resolution adopted.

**HB 63**

requiring the sale of soft drinks and alcoholic malt beverages in returnable containers. Ought to pass with amendment. Rep. Colburn for Environmental Quality and Agriculture.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

creating an interim committee to study the problems of disposing of beverage bottles and cans.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. There is hereby established a legislative study committee of nine members to study proposals for the recycling of bottles and cans. Said committee to include in its membership one person from the general public, one person from the soft drink industry, one person from the retail grocers' association and one person from the malt beverage industry, and five members from the environmental quality and agriculture committee, all appointed by the speaker of the house with recommendation of the chairman of said committee. The committee shall make a careful study of the problems engendered by the disposal of beverage containers and of the need or advisability of the enactment of laws relating to the subject. The committee shall have full power and authority to require from the several departments, agencies and officials of the state and of the political subdivisions of the state such

information and assistance as it may deem necessary for the purposes hereof. The committee shall report its findings and recommendations, together with drafts of any proposed legislation necessary to carry out such recommendations, to the next regular session of the legislature before the end of the second week of said session. Committee members shall receive no compensation for their service; however, legislator-members shall be paid mileage.

2 Effective Date. This act shall take effect on passage.

Reps. Kenneth Spalding and Oleson spoke against the amendment.

(discussion)

Reps. Greene, Raiche, Belair, and Gerry Parker spoke in favor of the amendment.

Rep. Hughes spoke against the amendment.

Amendment adopted.

Rep. Kenneth Spalding offered an amendment.

The Clerk read the amendment in full.

Rep. Kenneth Spalding spoke in favor of his amendment.

(discussion)

Reps. Gerry Parker, Raiche, Russell Chase, Richard Bradley, Kopperl, Claflin, Cares and Burleigh spoke in favor of the Spalding amendment.

Rep. Enright spoke in relation to his personal concern in this bill.

Reps. Hayes, St. Onge, Hardy, Read Harvell, and Sirois spoke against the Spalding amendment.

Rep. Sherman moved the previous question; sufficiently seconded.

Adopted.

Rep. Kenneth Spalding requested a division.

82 members having voted in the affirmative and 184 in the negative, the Spalding amendment lost.

Ordered to third reading.

RECESS

AFTER RECESS  
SENATE MESSAGES

Concurrence

HB 77, relative to the powers of the board of nurse registration, duties of nurses, and increasing certain fees.

HB 138, expanding the substances controlled by the economic poisons law and broadening the powers of the commissioner to control said substances.

INTRODUCTION OF CACR

First, second reading & referral

CACR 13, Relating to: The Origination of Revenue-Raising Bills. Providing that, Either the House or the Senate May Originate Revenue-Raising Bills. Constitutional Revision.

COMMITTEE REPORTS CONTINUED

**HB 218**

relative to fishing limits in Great Bay. Ought to pass with amendment. Rep. Tirrell for Fish and Game.

Corrects law that was passed in 1969 session. Makes present law clear.

AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Seines, Nets and Weirs. Amend RSA 211:48 (supp) as amended by 1959, 306:2 and 1969, 207:1 by striking out said section and inserting in place thereof the following: 211:48 Seines, Nets and Weirs. No person shall use a seine or weir for the taking of salt water smelt in Great Bay, Little Bay, Piscataqua river, Exeter river, Oyster river, Bellamy river and their tributaries. Any person who holds a New Hampshire fishing license may take salt water smelt in these waters by use of a bow or dip net and provided that any person who at any time during the three years immediately preceding the enactment of this section has owned and operated a weir or weirs for taking of salt water smelt in these waters and who files the information hereinafter required with the director, fish and game, within ninety days after enactment of this section, may continue

to operate said weir or weirs in the same location or locations and to no greater extent and in no larger size than he has previously operated during that three-year period. The information to be filed as provided herein shall include name and address of the owner and operator of the weir or weirs, the location, length and description of same and such other information as the director, fish and game, may require to establish the facts as to the person's prior ownership and operation and his right to continue to operate. No person shall use or have in use a weir or net for the taking of smelt in the Piscataqua river and its tributaries, easterly of an imaginary line drawn from the easterly end of the General John Sullivan memorial bridge to Adam's Point in Durham.

Amendment adopted.

Ordered to third reading.

#### **SB 48**

providing that offices of member of the general court and delegate to a constitutional convention are incompatible, was withdrawn by committee.

Rep. Coutermarsh moved that SB 48 be discharged from the committee on Statutory Revision and be acted on at the present time and spoke in favor of the motion.

(discussion)

Rep. MacDonald explained the committee action.

Reps. Russell Chase, Forcier, Shirley Clark and Allen spoke against the motion.

Reps. Gerry Parker, Healy, Brungot and Malcolm Stevenson spoke in favor of the motion.

Motion adopted.

Rep. Coutermarsh moved that SB 48 be indefinitely postponed and spoke in favor of the motion.

Reps. Sherman, Brungot, Schwaner, Hardy and Richard Bradley spoke in favor of the motion.

Rep. Malcolm Stevenson moved the previous question; sufficiently seconded.

Adopted.

Motion to indefinitely postpone adopted.

**HB 303**

to extend the jurisdiction of police in the apprehension of motor vehicle regulation violators to include semi-public parking lot. Ought to pass. Rep. Hamel for Transportation.

Will extend motor vehicle laws to semi-public parking lots.

Ordered to third reading.

**HB 309**

relative to unemployment compensation. Ought to pass with amendment. Rep. Merrill for Labor, Human Resources and Rehabilitation.

**AMENDMENT**

Amend section 7 of the bill by striking out the same and inserting in place thereof the following:

7 Repeal. RSA 282:1, H (4) (j), relative to "service performed in the employ of a cemetery company owned and operated exclusively for the benefit of its members or which is not operated for profit," is hereby repealed.

Amend section 8 of the bill by striking out the same and inserting in place thereof the following:

8 Repeal. RSA 282:1 H (4) (k), relative to "service performed in the employ of a business league, chamber of commerce, real estate board, or board of trade," is hereby repealed.

Amend section 12 of the bill by striking out the same and inserting in place thereof the following:

12 Definition of State. Amend RSA 282:1, L as amended by 1961, 88:3, by inserting at the end thereof the following: (Canada and Puerto Rico.) so that said subsection as amended shall read as follows: L. "State" includes, in addition to the states of the United States of America, the District of Columbia, Canada and Puerto Rico.

Amend section 17 of the bill by striking out the same and inserting in place thereof the following:

17 Unemployment Compensation Benefits. Amend RSA 282:2 B (1) (supp) as amended by 1955, 7:1; 1959, 28:1; 1961, 88:7 and 228:1, 1963, 194:3; 1965, 208:1; 1967, 400:4; and 1969,

460:4, by striking out said paragraph and inserting in place thereof the following:

(1) The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of two calendar quarters he must have earned not less than one hundred dollars, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$ 600	\$14	\$ 364
900	17	442
1,200	21	546
1,500	23	598
1,700	26	676
2,000	30	780
2,300	33	858
2,600	36	936
2,800	39	1,014
3,000	43	1,118
3,200	44	1,144
3,400	46	1,196
3,600	48	1,248
3,900	49	1,274
4,200	51	1,326
4,500	55	1,430
4,800	58	1,508
5,100	60	1,560
5,400	63	1,638
5,700	66	1,716
6,000	69	1,794
6,300	72	1,872
6,600	75	1,950

Amend the bill by striking out section 19 and renumbering the subsequent sections of the bill accordingly.

Amend section 24 of the bill by striking out the same and inserting in place thereof the following:

24 Disqualification for Use of Drugs and Alcohol. Amend RSA 282:4-C as amended by 1955, 141:9, by striking out said subsection and inserting in place thereof the following: C. It is further provided that an unemployed individual who has been

discharged for intoxication or use of controlled drugs as defined in RSA 318-B, VI of such degree and rate of occurrence as to seriously hamper or interfere with the individual's work, shall be disqualified for benefits and such disqualifications shall continue for not less than four weeks nor more than twenty-six weeks from the date of the discharge, as may be determined by the commissioner.

Amend section 26 of the bill by striking out the same and inserting in place thereof the following:

26 Appeals to Court. Amend RSA 282:5, G (5) (supp) as amended by 1955, 141:11; 1961, 88:16 and 1969, 460:10, by striking out said paragraph and inserting in place thereof the following: (5) Any interested party aggrieved by any decision in proceedings under section 14-D of this chapter may appeal to superior court in the manner provided in section 5-G (3) of this chapter.

Amend the second paragraph of section 27 of the bill by striking out the same and inserting in place thereof the following:

Notwithstanding this subsection, any organization or group of organizations, described in section 501 (c) (3) and exempt under section 501 (a) of the Internal Revenue Code, which becomes an employer under this act, may elect either to reimburse in the manner provided for the state in section 6-A-1 of this chapter, or to pay contributions as hereinabove provided.

Amend section 34 of the bill by striking out the same and inserting in place thereof the following:

34 Lawyers to be Furnished Claimants. Amend RSA 282:9 by inserting after subsection V the following new subsection: W. There shall be in the department three full-time attorneys who are members of the New Hampshire Bar to advise claimants relative to presentation of their best case to a certifying officer for original determination and/or redetermination, and presentation or assistance therein, of a claimant's case before an appeal tribunal including requests for reopening and the representation of claimants in appeals under section 5-G. The attorneys shall be appointed by the governor of this state and shall be completely free from the authority and control of the commissioner of the department of employment security. One of the attorneys shall be chief administrator, and he shall establish

office hours through the unemployment offices within the state and shall make a semi-annual report to the governor as to his activities. The only monies which may be expended hereunder shall be such Title III sums as may from time to time be made available by the United States of America expressly to fund activities under this provision.

Amend section 37 of the bill by striking out the same and inserting in place thereof the following:

37 Repeal. Laws of 1971, 2 providing additional unemployment benefits is hereby repealed and benefits paid thereunder after February 20, 1971 shall be deemed paid under sections 18 and 28 of this act.

Amend section 38 of the bill by striking out the same and inserting in place thereof the following:

38 Effective Date. Sections 18, 28 and 35 of this act shall take effect February 6, 1971. Sections 1, 3, 4, 13, 14, 17, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 33 and 34 of this act shall take effect April 1, 1971. Sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 26, 27 and 32 of this act shall take effect January 1, 1972. Section 36 shall take effect February 20, 1971.

Rep. Merrill explained the amendment.

(discussion)

Amendment adopted.

Rep. Merrill offered the following amendment.

#### AMENDMENT

Amend section 38 of the bill by striking out the same and inserting in place thereof the following:

38 Limiting the Application of Certain Repealers. The intent of sections 9 and 10 of this act is to repeal RSA 282:1 H (4) (q) and (r) only to the extent required by P. L. 91-373 applicable to certain employees of state hospitals and state institutions of higher education.

39 Effective Date. Sections 18, 28 and 35 of this act shall take effect February 6, 1971. Sections 1, 3, 4, 13, 14, 17, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 33 and 34 of this act shall take effect April 1, 1971. Sections 2, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 26,

27, 32 and 37 of this act shall take effect January 1, 1972. Section 36 shall take effect February 20, 1971.

\* \* \*

The Clerk read the amendment in full.

Rep. Merrill explained her amendment.

Reps. Drake and George Roberts spoke in favor of the Merrill amendment.

Amendment adopted.

Ordered to third reading.

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#### BILLS DUE FOR REPORT (RULE 57) AND NOT REPORTED:

##### Nashua Delegation

HB 192, exempting Nashua from the payment of debt time limitation pursuant to changing the dates of the fiscal year.

##### Claims, Military and Veterans Affairs

HB 197, providing that the state shall reimburse cities and towns for taxes lost because of exemptions to veterans and making an appropriation therefor.

The Speaker ordered HB 192 and HB 197 placed on the calendar for March 23.

#### BILLS DUE FOR REPORT (RULE 43) NO HEARINGS HELD

HB 234, relative to the salaries of the Rockingham county sheriff, chief deputy sheriff and deputy sheriffs. (Rockingham County Delegation)

The Speaker ordered HB 234 placed on the calendar for March 23.

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Rep. Trowbridge requested a 6 day extension on HB 119, relative to making improvements to the central New Hampshire turnpike and making an appropriation therefor, HB 175, relative to making improvements to the eastern New Hampshire turnpike and making an appropriation therefor, and HB 193,

relative to the improvement and extension of the Spaulding turnpike.

Granted.

Rep. Zachos requested a 6 day extension on HB 173, increasing the revocation of license from sixty days to one year for driving while intoxicated and increasing to one year the revocation of license for refusing to consent to a blood test, and HB 180, relative to district courts.

Granted.

Rep. Bigelow requested a 6 day extension on HB 181, to provide for the regulation of title insurance.

Granted.

Rep. Roma Spaulding requested a 6 day extension on HB 205, relative to health services in public schools.

Granted.

Rep. Leavitt requested a 6 day extension on HB 234, relative to the salaries of the Rockingham county sheriff, chief deputy sheriff and deputy sheriffs.

Granted.

Rep. McDonald requested a 6 day extension on HB 247, relative to the date for verification of voter checklists and the manner of notification to voters of the reregistration procedure, and HB 253, exempting the town of Salem from the ten year verification of the checklist in 1971.

Granted.

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Rep. Hanson moved that the order whereby HB 479, providing for county home rule, was referred to Judiciary be vacated and referred to Municipal and County Government.

Adopted.

Rep. MacDonald moved that the order whereby HB 497, removing weighted voting in supervisory union elections, was referred to Statutory Revisions be vacated and referred to Education.

Adopted.

On motion of Rep. Harvell the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

### LATE SESSION THIRD READING AND PASSAGE BY HOUSE

HB 218, relative to fishing limits in Great Bay.

HB 303, to extend the jurisdiction of police in the apprehension of motor vehicle regulation violators to include semi-public parking lot.

HB 63, creating an interim committee to study the problems of disposing of beverage bottles and cans.

### RECONSIDERATION

Rep. Read, having voted with the majority, moved that the House reconsider its action whereby it passed HB 63, and spoke against the motion.

Motion lost.

HB 309, relative to unemployment compensation.

### RECONSIDERATION

Rep. Cate, having voted with the majority, moved that the House reconsider its action whereby it passed HB 309, and spoke against the motion.

Motion lost.

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Rep. MacDonald wished to be recorded as voting no on HB 63, creating an interim committee to study the problems of disposing of beverage bottles and cans.

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On motion of Rep. Joseph Eaton the House adjourned at 3:23 p.m.

*Wednesday, 17Mar71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. William L. Shafer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI.  
AMEN.

"I arise today

Through a Mighty Strength:

God's Power to guide me,

God's Might to uphold me,

God's Wisdom to teach me,

God's Eyes to watch over me,

God's Ear to hear me,

God's Word to give me speech,

God's Hand to guard me,

God's Way to lie before me,

God's Shield to shelter me,

God's Host to secure me *and keep me safe.*"

Amen.

(excerpt from St. Patrick's "Morning Hymn")

Rep. Campbell led the Pledge of Allegiance.

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The Speaker designated Rep. James O'Neil to take the Chair for today's session.

#### LEAVES OF ABSENCE

Rep. Perkins, the day, important business.

Reps. Cobleigh and Streeter, the week, important business.

## RESOLUTION

Rep. Chandler offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 566 through 598 and House Joint Resolution number 38 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 566, relative to the taxation of house trailers or mobile homes. (Wuelper of Belknap Dist. 5 — To Municipal and County Government.)

HB 567, to increase the minimum wage rate. (Parker of Hillsborough Dist. 15 — To Labor, Human Resources and Rehabilitation.)

HB 568, relative to financial disclosure by public officials. (Parker of Hillsborough Dist. 15 — To Statutory Revision.)

HB 569, relative to qualifications for the serving of liquor or beverages. (Chasse of Strafford Dist. 8 — To Liquor Laws.)

HB 570, relative to liability for tuition of minors confined in state institutions. (Miner of Merrimack Dist. 23 — To State Institutions.)

HB 571, permitting sale of beer to persons who have attained the age of eighteen. (Miner of Merrimack Dist. 23; Drouin of Belknap Dist. 9 and Tilton of Grafton Dist. 1 — To Judiciary.)

HB 572, establishing the marketability of title to real property after twenty-five years unless notice is recorded. (Bradley of Grafton Dist. 9 — To Judiciary.)

HB 573, to provide for replacement volumes 5 and 5-A for Revised Statutes Annotated and making an appropriation therefor. (Roberts of Belknap Dist. 6 — To Statutory Revision.)

HB 574, to amend the city charter of Dover and to authorize the establishment of the Dover Industrial Development Au-

thority. (Maglaras of Strafford Dist. 20 — To Special Committee, Dover Delegation.)

HB 575, relative to discriminatory employment practices. (Parker of Hillsborough Dist. 15 — To Judiciary.)

HB 576, providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes. (Bradley of Grafton Dist. 9 — To Executive Departments and Administration.)

HB 577, relative to reporting of fires to the state fire marshal's office. (Chandler of Rockingham Dist. 25 — To Banks and Insurance.)

HB 578, to amend the New Hampshire higher educational and health facilities law. (Nighswander of Belknap Dist. 4 — To Education.)

HB 579, providing for protection at the surface of persons diving in waters with the aid of mechanical apparatus. (Hamel of Rockingham Dist. 17 — To Resources, Recreation and Development.)

HB 580, authorizing the certification of certain laboratory facilities for standard testing. (Monier of Hillsborough Dist. 4 — To Public Health and Welfare.)

HB 581, relative to the operation of snow traveling vehicles on town and city roads. (Stimmell of Rockingham Dist. 1; Brown of Strafford Dist. 2 — To Transportation and Aeronautics.)

HB 582, regulating outdoor advertising on the interstate, federal aid systems, and turnpikes. (Raymond of Cheshire Dist. 13 — To Public Works.)

HB 583, to prohibit the use of trawls for the taking of fish from the ocean waters of New Hampshire. (Randall of Rockingham Dist. 7 — To Fish and Game.)

HB 584, relative to the form of drivers licenses, and making an appropriation therefor. (Hamel of Rockingham Dist. 17 — To Transportation and Aeronautics.)

HB 585, providing for the forfeiture of motor vehicles and other property used in violations of the controlled drug act in-

volving narcotic drugs. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 586, making it unlawful to operate a motor vehicle while in possession of a controlled drug. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 587, establishing limits on the season for taking wild deer. (Hayes of Carroll Dist. 3 — To Fish and Game.)

HB 588, to correct a typographical error in the Revised Statutes Annotated. (Colburn of Hillsborough Dist. 5 — To Statutory Revision.)

HB 589, legalizing certain town meetings in the town of Windham. (Lovell of Rockingham Dist. 6 — To Municipal and County Government.)

HB 590, prohibiting the use of small motorized vehicles in the woods by hunters during the hunting season. (Oswell of Coos Dist. 8 — To Fish and Game.)

HB 591, relative to organized time trials for motor vehicles on certain public highways. (Townsend of Sullivan Dist. 1 — To Transportation and Aeronautics.)

HB 592, relative to New Hampshire technical institute and vocational-technical colleges bookstore operation. (O'Neil of Cheshire Dist. 12 — To Appropriations.)

HB 593, providing for construction of a northerly portion of the Spaulding Turnpike and making an appropriation therefor. (Brungot of Coos Dist. 8; Fortier of Coos Dist. 6; Davis of Carroll Dist. 2; Studd of Coos Dist. 7; McCuin of Coos Dist. 8 — To Public Works.)

HB 594, relative to the manner and number of voter signatures required to allow presidential and vice presidential candidates to have names placed on primary ballot. (Roberts of Belknap Dist. 6; Coutermarsh of Hillsborough Dist. 22 — To Statutory Revision.)

HB 595, relative to the percentage disposition of fines received by municipal court. (Martineau of Hillsborough Dist. 38 — To Judiciary.)

HB 596, relative to municipal permits for previously registered motor vehicles. (Bradley of Grafton Dist. 19; Sears of

Grafton Dist. 18; Parnagian of Strafford Dist. 19; Greenwood of Rockingham Dist. 12 — To Transportation and Aeronautics.)

HB 597, relative to the definition of eligible group for the marketing of motor vehicle insurance. (Robinson of Hillsborough Dist. 35 — To Banks and Insurance.)

HB 598, relative to the employment of youths. (Wuelper of Belknap Dist. 5 — To Labor, Human Resources and Rehabilitation.)

HJR 38, making an appropriation to the Ver Shire schools and shops. (Noyes of Coos Dist. 1 — To Education.)

### BILLS DUE FOR REPORT (RULE 57) AND NOT REPORTED:

Resources, Recreation and Development

HB 78, authorize industrial development authority to provide housing for industrial workers.

Judiciary

SB 23, relative to probable cause hearings.

Municipal and County Government

SB 25, modifying the requirements for membership on a municipal budget committee.

Placed on the Calendar for March 25.

### COMMITTEE REPORTS CONSENT CALENDAR (RULE 60)

#### **HB 221**

concerning the filing of rules by administrative agencies. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Very similar to HB 95 already sent to appropriations.

Resolution adopted.

#### **HB 256**

increasing the membership of the management-employees relations commission. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Bill does not solve real problem. Other legislation pending.

Resolution adopted.

**HB 316**

increasing the membership of the personnel commission. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Does not solve real problem. Other legislation pending.

Resolution adopted.

**HB 319**

relative to mileage rate for all state employees using privately-owned passenger vehicles. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

HB 319 was withdrawn at the request of a member.

**HB 109**

relative to the power of conservation officers to board boats in connection with administration of marine laws. Ought to pass. Rep. Randall for Fish and Game.

Gives conservation officers the right to board boats in connection with enforcement of marine law.

HB 109 was withdrawn at the request of a member.

**HB 281**

to provide a fee for salt water fishing licenses. Inexpedient to legislate. Rep. Kinney for Fish and Game.

Allows a sportsman the right to fish in salt water without a fishing license. No other New England state has such a fee.

Resolution adopted.

**HB 215**

providing that any person having care and custody of minors may not be refused unemployment compensation for refusal to accept third shift employment. Inexpedient to legislate. Rep. Merrill for Labor, Human Resources and Rehabilitation.

Committee felt present legislation is meeting New Hampshire needs.

HB 215 was withdrawn at the request of a member.

**SB 55**

validating the marriage of Joseph and Anita Poulin. Ought to pass. Rep. Shirley Welch for Statutory Revision.

Ordered to third reading.

On motion of Rep. Chandler the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

**LATE SESSION**

Third reading and passage by House

SB 55, validating the marriage of Joseph and Anita Poulin.

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On motion of Rep. Bigelow the House adjourned at 11:15 a.m.

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*Thursday, 18Mar71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Our GOD and Father, who art the source of the truth which makes men free, help us to be loyal to the truth we have, and humble before the truth we have yet to discover. Help us to use more responsibly the freedom we have and to yield to others the freedom to differ from us. We praise Thee for the humble and the great who over many decades have bequeathed to us a heritage of freedom — establishing our liberties in law, defending just rights, and protecting the "home of the free". May we be worthy of our high calling as members of this "House

of Democracy", guided by the lessons of history and inspired by Thy Word. Amen.

Rep. Merrill led the Pledge of Allegiance.

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The Speaker designated Rep. James O'Neil to take the Chair for today's session.

### LEAVE OF ABSENCE

Rep. Raiche, the day, important business.

### RESOLUTION

Rep. Goodrich offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 599 through 605 and House Joint Resolutions numbered 39 through 41 and Concurrent Resolution Proposing Constitutional Amendment number 26 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 599, providing for volunteer probation counsellors for minors charged with a crime, and making an appropriation therefor. (Hall of Hillsborough Dist. 13; Bradley of Grafton Dist. 9 — To Judiciary.)

HB 600, relative to the administration of the revenue laws and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15; Nutt of Grafton Dist. 9 — To Executive Departments and Administration.)

HB 601, eliminating the inclusion of interest charges in the limits on state guarantees of municipal sewage bonds. (Kopperl of Merrimack Dist. 12 — To Municipal and County Government.)

HB 602, creating a temporary state commission to develop and test methods for achieving improvement, economy and efficiency in the delivery of human resources through a com-

munity service center in a selected area in the state and making an appropriation therefor. (O'Neil of Cheshire Dist. 12 — To Labor, Human Resources and Rehabilitation.)

HB 603, to provide rehabilitation psychologists for correctional institutions within the state and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To State Institutions.)

HB 604, to authorize the conversion of savings banks to trust companies. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 605, to authorize demand deposits in savings banks. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HJR 39, making an additional appropriation to the division of vocational rehabilitation of the department of education for handicapped children. (Cobleigh of Hillsborough Dist. 15 — To Appropriations.)

HJR 40, to evaluate the utilization of state owned vehicles. (Fuller of Merrimack Dist. 26; Coburn of Hillsborough Dist. 11 — To Transportation and Aeronautics.)

HJR 41, appropriating funds to pay the maximum amounts permitted to be paid to school districts in each of the last twenty years under the foundation aid formula. (Menge of Grafton Dist. 8 — To Education.)

CACR 26, Relating to: Decreasing the Membership of the House, Increasing the Membership of the Senate, Changing the Senate Quorum Requirements, Making Provision for Reapportionment, and Establishing a Legislative Salary Commission. Providing that: The Membership of the House Shall be Decreased to Two Hundred Fifty, the Membership of the Senate Shall be Increased to Forty, the Senate Quorum Requirements Shall be Changed Accordingly, the Legislature Shall be Apportioned Accordingly, and a Legislative Salary Commission Shall be Established. (Cobleigh of Hillsborough Dist. 15; Raiche of Hillsborough Dist. 34; Bowles of Rockingham Dist. 27; O'Neil of Rockingham Dist. 7; Davidson of Hillsborough Dist. 21; Monier of Hillsborough Dist. 4 — To Constitutional Revision.)

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Rep. MacDonald moved that the order whereby HB 449, relative to balloting at town meetings relating to bond issues, was referred to Statutory Revision be vacated and referred to Municipal and County Government.

Adopted.

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Rep. Gordon requested a quorum count.

326 members having answered, a quorum was present.

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Rep. Milne moved that the order whereby HB 577, relative to reporting of fires to the state fire marshal's office, was referred to Banks and Insurance be vacated and referred to Municipal and County Government.

Adopted.

Rep. Hanson requested a 6 day extension on HB 197, providing that the state shall reimburse cities and towns for taxes lost because of exemptions to veterans and making an appropriation therefor.

Granted.

Rep. Reddy offered the following resolution:

#### RESOLUTION

*Whereas*, we have learned with great sadness of the passing of our fellow American, Thomas E. Dewey, and

*Whereas*, Thomas E. Dewey has exemplified great service, courage, loyalty and dedication to his country, therefore be it

*Resolved*, that we, the members of the New Hampshire House of Representatives in General Court convened, do hereby extend our sympathy to his family and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted.

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Reps. George Roberts and Raiche offered the following house concurrent resolution:

## House Concurrent Resolution No. 16

Concurrent Resolution Inviting Alan B. Shepard  
to Address the General Court

*Whereas*, Alan B. Shepard, a native of New Hampshire, embodies the spirit of the true patriot in his unfailing duty to God and country, and

*Whereas*, Alan B. Shepard has continuously demonstrated the highest degree of personal courage and dedication with his many accomplishments as a member of the United States space team wherein he was this country's first man in space and was commander of the most recent voyage to and exploration of the moon, and

*Whereas*, his great personal courage and extraordinary depth of moral character provide a shining example to the youth of our nation, and

*Whereas*, the people of New Hampshire feel most proud of their favorite son and wish to express their congratulations for his accomplishments,

*Now therefore be it resolved* by the House, the Senate concurring;

That Alan B. Shepard, astronaut, naval officer, and son of the Granite State is hereby invited to address the General Court of New Hampshire on April 15, 1971.

*Resolved*, that a copy of this resolution be transmitted to Alan B. Shepard.

Unanimously adopted.

## SENATE MESSAGES

## Concurrence

HB 21, relative to use of funds held by the Trustees of the Boscawen Academy in Boscawen.

## INTRODUCTION OF SB

## First, second reading &amp; referral

SB 16, relative to the establishment of the position and salary of the associate justice of the Nashua district court. Judiciary.

## COMMITTEE REPORTS

**HB 286**

appropriating additional funds for the women's dormitory at the New Hampshire Technical Institute in Concord. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

**SB 54**

relative to the 1971 appropriation for the division of parks and providing for time and one half pay for overtime work by employees engaged in snow-farming. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to the 1971 appropriation for the division of parks and  
revising the appropriation for the state library  
for title IV-A funds.

Further amend Section 2 of the bill by striking out in paragraph II all in subparagraph (a) and inserting in place thereof the following:

- (a) Personal services: by striking out the line item:  
"other 182,920"

and inserting in place thereof the following:

(other 218,920) and

amend the bill by striking out all after Section 3 and inserting in place thereof the following new Sections:

4 State Library. Amend Laws of 1969, 368:4, in the appropriation for the state library — title IV-A by deleting said appropriations and inserting in place thereof the following:

Title IV-A:	
Personnel Services	
Permanent	14,599
Current Expenses	650
Travel	
In state	200

Out of state	200	
Equipment	16,751	
Other Expenditures		
Grants	4,374	
Social Security	1,226	
		<hr/>
Total	38,000	
Less estimated federal funds	38,000	
		<hr/>
Net appropriation		—0—

5 Effective Date. This act shall take effect upon passage.

Amendment adopted.

Ordered to third reading.

### HB 304

relative to requirements for obtaining a license for granting small loans. Ought to pass with amendment. Rep. Woodward for Banks and Insurance.

Housekeeping bill, corrects two errors in existing law.

### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2 Unpaid Interest on Prior Loans. Amend RSA 399-A:3, VI as inserted by 1961, 245:1 and amended by 1967, 416:2, 3, 4, 5, and 6 by adding at the end thereof the following (However, if all or any part of the consideration for a loan contract is the unpaid principal balance of the prior loan with the same licensee then the loan contract may include unpaid interest of the prior loan which has accrued within sixty days of the making of the loan contract) so that said paragraph as amended shall read as follows: VI. No interest shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. For the purpose of computing interest, whether at the maximum rate or less, a month shall be considered a calendar month and, where a fraction of a month is involved, a day shall be considered one-thirtieth of a month. However, if all or any part of the consideration for a loan contract is the unpaid principal balance of the prior loan with the same licensee then the loan contract

may include unpaid interest of the prior loan which has accrued within sixty days of the making of the loan contract.

3 Increased Fees. Amend RSA 399-A:12 as inserted by 1961, 245:1 by striking out in line six the word "two" and inserting in place thereof the word (four) and by striking out in line eight the word "one" and inserting in place thereof the word (two) so that said section as amended shall read as follows: 399-A:12 Application and Fees. Application for a license shall be in writing, under penalty of perjury, and in the form prescribed by the commissioner. The application shall give the location where the business is to be conducted, and shall include the names and addresses of the partners, officers, directors, or trustees of the applicant. At the time of making such application, the applicant shall pay to the commissioner the sum of four hundred dollars as an annual license fee provided, that if the application is made after October first in any year the license fee shall be two hundred dollars.

4 Limit on Loans Raised. Amend RSA 399-A:20, I as inserted by 1961, 245:1 by striking out in line four the words "fifteen hundred" and inserting in place thereof the words (five thousand) so that said paragraph as amended shall read as follows: I. The commissioner or his duly authorized representative may at any time and shall periodically investigate the business and examine the books, accounts, papers and records of each licensee pertaining to the business of making loans of five thousand dollars or less.

5 Limit on Loans Raised. Amend RSA 399-A:20, II as inserted by 1961, 245:1 by striking out in line nine the words "fifteen hundred" and inserting in place thereof the words (five thousand) so that said section as amended shall read as follows: II. The commissioner or his duly authorized representative may investigate at any time any person engaged in the business or participating in such business as principal, agent, broker, or otherwise; or any person who the commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether such person shall claim to be within the authority or beyond the scope of this chapter. Any person not exempt hereunder who shall advertise for, solicit or hold himself out as willing to make or procure loans in the amount of, or of the value of, five thousand dollars or less shall be presumed to be engaged in the business described in paragraph I, section 2, of this chapter.

6 Effective Date. This act shall take effect upon its passage except section 3 shall take effect April 1, 1973.

Amendment adopted.

Ordered to third reading.

## **HJR 26**

to reimburse Reginald Pelkey for damage done to his automobile and making an appropriation therefor. Ought to pass with amendment. Rep. Hood for Claims, Military and Veterans Affairs.

### **AMENDMENT**

Amend the resolution by striking out the same and inserting in place thereof the following:

That the sum of two hundred fifty-four dollars is hereby appropriated to reimburse Reginald Pelkey of Fitzwilliam for damages he sustained as a result of a tree, which was being removed by the department of public works and highways, coming in contact with his automobile and resulting in damage thereto. This sum is in full and final settlement of this claim. The governor is authorized to draw his warrant for said sum which shall be a charge against the highway fund.

Amendment adopted.

Ordered to third reading.

## **HB 114**

relative to the power of Franconia College to grant degrees. Ought to pass with amendment. Rep. Abbott for Education.

### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following new sections:

1 Franconia College. Franconia College, a corporation organized under general law October 20, 1885, under the name of Dow Academy, is hereby authorized to confer upon the graduates thereof the associate in arts degree and the bachelor of arts degree for the period from June 1, 1971 to June 30, 1975, subject to the continuing approval of the coordinating board of advanced education and accreditation.

2 Extension of Authority. The power to grant the above specified degrees shall expire on June 30, 1975. The coordinating board of advanced education and accreditation shall report to the general court concerning the progress of said college during the period of its degree-granting status and shall recommend action to be taken relative to said powers by the 1975 session of the general court.

Amend the bill by renumbering sections 2 and 3 to read 3 and 4 respectively.

Amendment adopted.

Ordered to third reading.

### **HB 225**

providing that state school building aid shall apply to interest as well as principal. Inexpedient to legislate. Rep. Abbott for Education.

Committee reluctantly reports inexpedient, feeling that increased state funding of the present state financial aid programs (such as foundation aid) are of a higher priority.

Resolution adopted.

### **HB 273**

relative to the power of Pierce College for Women to grant degrees. Ought to pass with amendment. Rep. Abbott for Education.

Title self-explanatory.

### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Pierce College. Amend section 1, chapter 571, Laws of 1969, by striking out said section and inserting in place thereof the following: 571:1 Pierce College for Women. Pierce College for women, a voluntary corporation organized under the general law and conducting its business in Concord, New Hampshire as an education institution, is hereby authorized to confer upon the graduates therefrom the degree of associate in business science for the period from June 1, 1971 to June 30, 1973, subject to the continuing approval of the Coordinating Board of Advanced Education and Accreditation.

Amendment adopted.

Ordered to third reading.

### **HB 277**

relative to the power of New England Aeronautical Institute to grant degrees. Ought to pass with amendment. Rep. Abbott for Education.

Title self-explanatory.

### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 New England Aeronautical Institute. Amend section 1, chapter 511, Laws of 1967, as amended by 1969, 555:1 by striking out said section and inserting in place thereof the following: 511:1 Authority Granted. New England Aeronautical Institute is hereby authorized to confer upon the graduates thereof the degrees of associate in aeronautical engineering and associate in aeronautical administration. The said institute conducting a division under the name of Daniel Webster Junior College, as authorized by 1970, 68:4 is authorized to confer upon the graduates thereof the degree of associate of arts through June 30, 1973, subject to the continuing approval of the Coordinating Board of Advanced Education and Accreditation.

Amendment adopted.

Ordered to third reading.

### **SUSPENSION OF RULES**

Rep. Drake moved that the rules be suspended to put SB 54 on third reading at the present time.

Adopted by the necessary two thirds.

Third reading and passage by the House

SB 54, relative to the 1971 appropriation for the division of parks and revising the appropriation for the state library for title IV-A funds.

## COMMITTEE REPORTS CONTINUED

**HB 339**

relative to the construction of area schools and additions thereto. Ought to pass. Rep. Abbott for Education.

Technical amendments to permit more flexibility in authorized Regional Enrollment Area (A.R.E.A.) plans. Also clarifies debt limit requirements of "receiving districts".

Rep. Schwaner spoke in relation to her personal concern in this bill.

Ordered to third reading.

**HB 319**

relative to mileage rate for all state employees using privately-owned passenger vehicles. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Rep. Bednar moved that HB 319 be recommitted to Executive Departments and Administration and spoke in favor of the motion.

(discussion)

Rep. Shirley Clark spoke against the motion.

Rep. Bednar withdrew the motion to recommit and moved that HB 319 be indefinitely postponed and spoke in favor of the motion.

Reps. Raymond and Shirley Clark spoke against the motion.

Motion lost.

Referred to Appropriations.

**HB 345**

to increase the permissible maximum dollar limit of certain force account contracts. Ought to pass with amendment. Rep. Moran for Executive Departments and Administration.

Force account means using existing state personnel rather than contracting out for small construction projects.

## AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Exemption for Contracts of Certain Departments. Amend RSA 228:4, I-a as inserted by 1957, 257:1 by striking out said paragraph and inserting in place thereof the following: I-a. Notwithstanding the provisions of paragraph I projects for the fish and game department or for the division of parks of the department of resources and economic development, in excess of ten thousand dollars and not more than one hundred thousand dollars, may be done on a force account basis upon recommendation of the public works and highway commissioner that such procedure is in the best interests of the state, with the approval of the governor and council.

Amendment adopted.

Ordered to third reading.

### **HB 109**

relative to the power of conservation officers to board boats in connection with administration of marine laws. Ought to pass. Rep. Randall for Fish and Game.

Gives conservation officers the right to board boats in connection with enforcement of marine law.

Rep. Boucher moved that HB 109 be indefinitely postponed and spoke in favor of the motion.

Rep. Hayes spoke against the motion.

(discussion)

Rep. Maynard moved that HB 109 be recommitted to Fish and Game and spoke in favor of the motion.

Reps. Huot and Hayes spoke in favor of the motion.

Adopted.

### **HB 149**

to repeal the dollar limitation on recovery in wrongful death actions. Ought to pass with amendment. Rep. Andrews for Judiciary.

Increases limits of recovery in wrongful death actions from \$60,000 to \$120,000 when deceased leaves a spouse, child, parent or grandparent, and from \$20,000 to \$30,000 in all other cases.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act  
relative to the dollar limitation on  
recovery in wrongful death actions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Limitation. Amend RSA 556:13 (supp) as amended by 1957, 91:1; 1963, 98:1 and 1967, 344:1 by striking out said section and inserting in place thereof the following: 556:13 Limitation of Recovery. In cases where the plaintiff's decedent has left neither a widow, widower, child, father, mother, grandfather, or grandmother, the damages recoverable in any such action shall not exceed thirty thousand dollars. In all other cases the damages recoverable in any such action shall not exceed one hundred twenty thousand dollars; provided, however, that in the trial of any such action by jury, the jury shall not be informed of the limitation of recovery imposed by this section, and if the jury awards damages in excess of such limitation the court shall reduce the amount of damages awarded to conform to such limitation.

2 Damages. Amend RSA 556:14 by striking out said section and inserting in place thereof the following: 556:14 Distribution of Damages. In such cases, the damages recovered, less the expenses of recovery, expenses of administration, taxes or other debts as approved by the probate court, shall become a part of the decedent's estate and be distributed in accordance with the applicable provisions of law.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Rep. Brummer moved that HB 149 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Zachos, Sayer and Healy spoke against the motion.

Motion lost.

Ordered to third reading.

**HB 203**

relative to professional services. Ought to pass. Rep. Frizzell for Judiciary.

Precludes doctrines of strict liability from applying in cases of blood transfusions, tissue or organ transplants.

Ordered to third reading.

**HB 334**

relative to the commitment of drug dependent persons. Ought to pass. Rep. Palmer for Judiciary.

Allows courts and executive director of drugs program more flexibility in dealing with drug dependent persons.

Ordered to third reading.

**HB 335**

to prohibit the denial of an alcoholic beverage license because of racial discrimination. Inexpedient to legislate. Rep. David Bradley for Judiciary.

Legislation unnecessary. Attorney General has ruled that private licenses cannot be suspended or denied because of discrimination.

Resolution adopted.

**SB 31**

relative to taking a motor vehicle without the owner's consent. Ought to pass. Rep. Drabinowicz for Judiciary.

Relieves unknowing rider from complicity. Law enforcement authorities requested this change.

Ordered to third reading.

**HB 132**

providing for unemployment compensation dependency payments. Inexpedient to legislate. Rep. Merrill for Labor, Human Resources and Rehabilitation.

Labor-Management Council suggested the bill be inexpedient to legislate and a committee set up under HB 309 to study the matter.

Rep. Cares moved that HB 132 be made a special order for 11:01 Tuesday next and spoke in favor of the motion.

Adopted.

## RECESS

## AFTER RECESS

## ENROLLED BILLS REPORT

HB 9, prohibiting the use of motor boats on Chocorua Lake.

HB 21, relative to use of funds held by the Trustees of the Boscawen Academy in Boscawen.

HB 77, relative to the powers of the board of nurse registration, duties of nurses, and increasing certain fees.

HB 136, to authorize use of fictitious names in certain proceedings in equity.

HB 138, expanding the substances controlled by the economic poisons law and broadening the powers of the commissioner to control said substances.

SB 35, eliminating certain duties of the secretary of state.

SB 55, validating the marriage of Joseph and Anita Poulin.

Phyllis M. Keeney  
for the Committee

Reps. Cares and Spirou offered the following resolutions:

## RESOLUTIONS

*Whereas*, we have learned with sorrow of the passing of Whitney Young, and

*Whereas*, Whitney Young has been devoted to equality and justice for all the people and always advocated moderation and reason, therefore be it

*Resolved*, that we, the members of the New Hampshire House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Adopted.

**BILLS DUE FOR REPORT (RULE 57) AND NOT REPORTED:****Judiciary**

HB 105, clarifying the commitment of juveniles.

**Liquor Laws**

HB 200, to establish a state liquor store in West Lebanon and making an appropriation therefor.

**Public Health and Welfare**

HB 208, relative to foster care services for certain children and youth and making an appropriation therefor.

Placed on the Calendar for March 25.

**COMMITTEE REPORTS CONTINUED****HB 215**

providing that any person having care and custody of minors may not be refused unemployment compensation for refusal to accept third shift employment. Inexpedient to legislate. Rep. Merrill for Labor, Human Resources and Rehabilitation.

Committee felt present legislation is meeting New Hampshire needs.

On request of Rep. Sweeney, Rep. Merrill explained the bill.

(discussion)

Rep. Sweeney moved that the words, ought to pass, be substituted for, inexpedient to legislate, and spoke in favor of his motion.

Rep. Merrill spoke against the motion.

Rep. Sweeney withdrew his motion.

Resolution adopted.

**HB 235**

providing full workmen's compensation for state employees. Ought to pass with amendment. Rep. McDonough for Labor, Human Resources and Rehabilitation.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

providing full pay to state employees during a total disability resulting from a work-connected accidental injury.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Full Pay Benefit. Amend RSA 99:2, e, by striking out said paragraph and inserting in place thereof the following:

e. Other provisions of law notwithstanding, permanent classified state employees who are totally disabled as the result of a work-connected accidental injury shall be entitled to full pay, subject to payroll deductions, for a period of disability not to exceed one calendar year, beginning with the first day of disability, payable on existing pay days. Thereafter, in the event such disability continues, said employees shall be entitled to all workmen's compensation benefits under RSA 281, without impairment, and, by election of said employees, to sick or annual leave benefits, except that the combination of workmen's compensation and sick or annual leave benefits shall not exceed such employees' full pay, subject to payroll deductions with respect to sick or annual leave benefits.

2 Effective Date. This act shall take effect July 1, 1971.

Amendment adopted.

Referred to Appropriations.

**HB 249**

relative to the definition of permanently and totally disabled. Ought to pass. Rep. Cate for Labor, Human Resources and Rehabilitation.

Ordered to third reading.

**HB 287**

permitting the director of welfare to manifest payment of non-federal funds for the work incentive program. Ought to pass. Rep. Ineson for Labor, Human Resources and Rehabilitation.

Ordered to third reading.

**HB 154**

relative to off-sale permits. Inexpedient to legislate. Rep. Jameson for Liquor Laws.

The committee believes that the bill would shift the bulk of the retail beer sales to the large chain stores, owned and operated by out-of-state people. This would undoubtedly put some of the neighborhood independent grocery stores out of business in a short while.

Rep. Enright moved that the words, ought to pass, be substituted for the words, inexpedient to legislate.

Rep. Ferguson moved that HB 154 be indefinitely postponed.

Reps. Jameson, John Lynch, Coutermarsh, Hayes, Van Gardner, Streeter, D'Amante, Brungot and Gordon spoke in favor of the motion.

Adopted.

Reps. Doris Lynch, Senter and Read wished to be recorded as having voted against HB 154.

**HB 292**

conveying a certain portion of land which was formerly part of Silver Lake in the town of Madison to J. Donald Hayes and Dorothy V. Hayes. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

To clear up any question of state easement.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Land to be Conveyed. The governor and council, for a consideration established by the department of public works and highways, are hereby authorized and directed to convey by deed, in the form and content as prepared and approved by the attorney general, to John Donald Hayes and Dorothy Violet Hayes, both of Madison, county of Carroll and state of New Hampshire, as joint tenants with rights of survivorship; all of the state of New Hampshire's right, title and interest in and to that parcel of land situate in the town of Madison, county of

Carroll and state of New Hampshire bounded and described as follows: beginning at a point being the most southerly corner of the lands conveyed to the said John Donald Hayes and Dorothy Violet Hayes by warranty deed of Gladys M. Prescott dated April 19, 1954 and recorded in volume 335 page 505 of the Carroll County Registry and marked by an iron pipe; thence northeasterly along the easterly line of said lands of John Donald Hayes and Dorothy Violet Hayes, three hundred feet more or less, to the northeasterly corner of said lands; thence southeasterly, at right angles, to the high water mark on the westerly shore of Silver Lake in said town of Madison; thence southwesterly along the line of said high water mark three hundred feet more or less; thence northwesterly to the point of beginning.

Amendment adopted.

Ordered to third reading.

Rep. Hayes abstained from voting on HB 292 under Rule 16.

#### **HB 209**

providing that polling places in Nashua shall remain open until at least seven o'clock in the evening. Inexpedient to legislate. Rep. Maurice Bouchard for Nashua Delegation.

Resolution adopted.

#### **HB 73**

enabling the state of New Hampshire to participate in the Federal Food Stamp Program and making an appropriation therefor. Majority: Inexpedient to legislate, Rep. Roma Spaulding for Public Health and Welfare; Minority: Ought to pass with amendment, Reps. Bernard, Edward John and Foster.

Majority: Uncertainty of Federal Government legislation as to Family Assistance Plan. Present supplement food plan acceptable.

Minority: Food Stamp Program would better meet nutritional needs of people involved.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Food Stamp Program Established. Amend RSA 126-A by inserting at the end thereof the following new subdivision:

Food Stamp Program

126-A:44 Program Established. The state of New Hampshire may participate in the federal food stamp program which is provided for under Public Law 88-525, also known as the Food Stamp Act of 1964. The commissioner may adopt, and from time to time amend or repeal, regulations governing the operation of the program in the state. When so requested by the commissioner, a town clerk or city clerk shall sell food stamp coupons as an agent of the department of social welfare in accordance with regulations adopted by the commissioner under subsection of this section. In no case shall a clerk be required to sell the coupons at hours other than his regular office hours. A town clerk or city clerk who acts as an agent of the department under this section in the sale of food stamp coupons shall report such sales to the commissioner on forms supplied by him. A pilot program shall be implemented in one county, at the request of the commissioners of that county and said county shall be selected by the governor.

2 Appropriation. The sum of fifty-three thousand dollars is hereby appropriated for the biennium ending June 30, 1973 for the purpose of defraying the state's share of the administrative cost of establishing a food stamp program. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1971.

The Clerk read the amendment in full.

Reps. Edward Johnson and Roma Spaulding explained the committee report.

(discussion)

Rep. Mallat moved that the minority report, ought to pass, be substituted for the majority report, inexpedient to legislate and spoke in favor of his motion.

Rep. Malcolm Stevenson moved that HB 73 be indefinitely postponed, and spoke in favor of the motion.

Reps. Brungot, Barker, Belzil, Lee and Donalda Howard spoke in favor of the motion.

Rep. Gerry Parker spoke against the motion.

Rep. Lawton spoke in favor of the motion.

Rep. Milne moved the previous question; sufficiently seconded.

Adopted.

The question now being on Rep. Malcolm Stevenson's motion that HB 73 be indefinitely postponed.

Adopted.

### **HB 1**

to increase the state road maintenance allotment paid to the towns and making an appropriation therefor. Laid on table. Rep. Trowbridge for Public Works.

Resolution adopted.

### **HB 289**

authorizing the water resources board to acquire the dam on Pine River Pond in Wakefield, naming said dam the Arthur H. Fox Memorial Dam and making an appropriation therefor. Inexpedient to legislate. Rep. Coburn for Public Works.

Need more definite information as to the amount of land that would be given to the state before we can justify the expenditure.

Rep. Hughes moved that HB 289 be recommitted to committee on Public Works and spoke in favor of the motion.

Rep. Trowbridge spoke in favor of the motion.

Adopted.

### **HB 299**

increasing the expenditure for town road aid and making an appropriation therefor. Laid on table. Rep. Trowbridge for Public Works.

Reps. Cares, Hanson and Belanger spoke in favor of the motion.

Adopted.

### **HB 314**

relative to the construction and maintenance of a lake

management structure at Silver Lake. Inexpedient to legislate.  
Rep. Coburn for Public Works.

Testimony from Water Resources indicates that Silver Lake problem is part of a larger engineering and water control problem which probably will be covered by the U. S. Corps of Army Engineers. The sum of \$400,000 requested is much too great to be justified.

Rep. Fuller moved that HB 314 be recommitted to the committee on Public Works and spoke in favor of the motion.

Rep. Trowbridge spoke in favor of the motion.

Adopted.

#### **SB 24**

relative to state bridge and town bridge aid. Ought to pass.  
Rep. Burns for Public Works.

Increases the share the state will pay for state and town bridge aid but does not increase the total dollar amounts available for such aid.

Ordered to third reading.

#### **HB 27**

to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor. Ought to pass with amendment.  
Rep. Urie for Resources, Recreation and Development.

Rep. Claflin moved that HB 27 be made a special order for Tuesday at 11:02.

#### **HB 163**

relative to open space being used for recreational purposes, was withdrawn.

### SENATE MESSAGES

#### INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 18, relative to filing dates for nominations in certain cities and towns. Municipal and County Governments.

## Concurrence

HB 22, relative to shooting animals hunted by dogs.

HB 33, relating to fishing without a license by patients at the Dartmouth-Hitchcock Mental Health Center.

HB 57, prohibiting the use of a crossbow in taking fish, wild birds or wild animals.

HB 86, relative to special licenses for taking birds and animals.

House Concurrent Resolution No. 16, inviting Alan B. Shepard to Address the General Court.

## Senate amendment to House Bill

(See Senate Journal for Amendment)

HB 31, relative to the filing of annual returns, false statements relative thereto and reservation of a name by a foreign corporation.

The Clerk read the amendment in full.

Rep. MacDonald moved nonconcurrence and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. MacDonald, Dunlap and Keefe.

## Concurrence in House Amendment

SB 54, relative to the 1971 appropriation for the division of parks and revising the appropriation for the State Library for title IV-A funds.

Rep. Zachos moved that the order whereby HB 575, relative to discriminatory employment practices, was referred to Judiciary be vacated and referred to Labor, Human Resources and Rehabilitation.

Adopted.

Rep. Zachos moved that the order whereby HB 571, permitting sale of beer to persons who have attained the age of eighteen, was referred to Judiciary be vacated and referred to Liquor Laws.

Adopted.

Rep. Claflin moved that the order whereby HB 458, prohibiting the use of motorboats on Berry pond in Moultonborough, was referred to Environmental Quality and Agriculture, be vacated and referred to Resources, Recreation and Development.

Adopted.

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Rep. Gemmill requested a six day extension on HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

Granted.

## RESOLUTION

Rep. George Roberts offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the Clerk, House Bills numbered 606 through 613, House Joint Resolution No. 42 and Concurrent Resolution Proposing Constitutional Amendment number 27 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 606, making appropriations for capital improvements. (Trowbridge of Cheshire Dist. 4 — To Public Works.)

HB 607, relative to the halfway house for alcoholics and making an appropriation therefor. (Knight of Hillsborough Dist. 27; Zachos of Hillsborough Dist. 4 — To Public Health and Welfare.)

HB 608, providing for off-track wagering on certain dog and horse races within and without the state and creating the

off-track wagering agency to administer the same, and making an appropriation therefor. (Sayer of Rockingham Dist. 7 — To Ways and Means.)

HB 609, providing for the construction of a toll highway from Manchester to Hampton, and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15; Trowbridge of Cheshire Dist. 4 — To Public Works.)

HB 610, providing for the mailing of sample ballots and voters information to all registered voters by the secretary of state prior to any general election and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To Constitutional Revision.)

HB 611, providing for capital improvements by providing for construction and operation of a state liquor store and a gas station on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To Public Works.)

HB 612, increasing the tax on the transfer of real property. (Johnson of Cheshire Dist. 9 — To Ways and Means.)

HB 613, relative to the terms of members of the air pollution control agency; expanding the powers of the agency and establishing a permit system for the control of air pollution. (Greene of Rockingham Dist. 22 — To Environmental Quality and Agriculture.)

HJR 42, relative to retirement credit for Thomas A. Bolton. (Smith of Rockingham Dist. 7 — To Executive Departments and Administration.)

CACR 27, Relating To: Line Item Veto and Legislative Mileage for Additional Deliberation After Such Line Item Veto. Providing That: Separate Items in an Appropriation Bill May be Vetoed or Reduced by the Governor and that Legislative Mileage Shall be paid for Attendance in Consideration of Such Veto. (Bowles of Rockingham Dist. 27 — To Constitutional Revision.)

On motion of Rep. George Roberts the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, resolutions by caption only, and that when

the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

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The Speaker announced that Cap Gay of Derry was somewhere around 39 today.

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### LATE SESSION

#### Third reading and passage by House

HB 286, appropriating additional funds for the women's dormitory at the New Hampshire Technical Institute in Concord.

HB 339, relative to the construction of area schools and additions thereto.

HB 277, relative to the power of New England Aeronautical Institute to grant degrees.

HB 345, to increase the permissible maximum dollar limit of certain force account contracts.

HB 114, relative to the power of Franconia College to grant degrees.

HB 273, relative to the power of Pierce College for Women to grant degrees.

HJR 26, to reimburse Reginald Pelkey for damage done to his automobile and making an appropriation therefor.

HB 304, relative to requirements for obtaining a license for granting small loans.

HB 203, relative to professional services.

HB 334, relative to the commitment of drug dependent persons.

SB 31, relative to taking a motor vehicle without the owner's consent.

HB 249, relative to the definition of permanently and totally disabled.

HB 287, permitting the director of welfare to manifest payment of non-federal funds for the work incentive program.

HB 292, conveying a certain portion of land which was formerly part of Silver Lake in the town of Madison to J. Donald Hayes and Dorothy V. Hayes.

HB 149, relative to the dollar limitation on recovery in wrongful death actions.

SB 24, relative to state bridge and town bridge aid.

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Rep. George Roberts wished to be recorded in favor of SB 24.

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Rep. Peter Cote wished to be recorded against HB 154, relative to off-sale permits.

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On motion of Rep. Brungot the House adjourned at 3:31 p.m.

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*Tuesday, 23Mar71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by Guest Chaplain Rev. Lewis Flagg, Jr. from the Brentwood Baptist Church.

Heavenly Father, we look to You today as the author of eternal light and of eternal life to all who accept your son Jesus Christ. We praise You for your precious promises . . . the promise of peace, the promise of provision, the promise of protection, the promise of Your presence and the promise of Your power.

Today we ask that men's hearts everywhere may be in tune with Your will. As we see evidence of unrest and dissent in our state and in our nation, we ask that hearts might be changed by coming to a right relationship with You and that the love of Christ may prevail and men first of all may seek to know and to do your will. God grant to us stability amidst the pressures of our times.

Guide the thinking of all of those who deliberate on the affairs of our state. May each one think of those around him, of others who are depending on him and may all remember that Our Savior taught us to do unto others as we would have them do unto us. So fill our hearts and minds today and in the days to come for we ask it in the precious name of Jesus Christ, our Lord and Savior. Amen.

Rep. Emile Boisvert led the Pledge of Allegiance.

(Speaker in the Chair)

### LEAVES OF ABSENCE

Reps. McGee and Walsh, the day, illness.

Rep. Warren, the day, to attend a funeral.

Rep. Hood, today and tomorrow, important business.

Rep. Rodgers, the week, important business.

### RESOLUTION

Rep. Raiche offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 614 through 619 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 614, requiring certain individuals to register the fact of their residence for the purpose of determining municipal responsibility for aid to certain persons. (Bennett of Cheshire Dist. 9 — To Municipal and County Government.)

HB 615, permitting abatement of uncollectible interest and dividend taxes. (Nutt of Grafton Dist. 9 — To Ways and Means.)

HB 616, allowing payments in lieu of taxes to the town of Plymouth by Plymouth state college. (Sears of Grafton Dist. 18 — To Education.)

HB 617, permitting secretary of state to return to sender incorrect checks received as payment of fees. (French of Belknap Dist. 2 — To Executive Departments and Administration.)

HB 618, to provide for identification displays on snow traveling vehicles. (Andrews of Merrimack Dist. 1; Nighswander of Belknap Dist. 4 — To Transportation and Aeronautics.)

HB 619, amending the New Hampshire unit ownership of real property act. (Andrews of Merrimack Dist. 1 — To Municipal and County Government.)

### SENATE MESSAGE

#### Nonconcurrence

HB 58, authorizing persons 70 years of age or over to hunt, fish and take certain marine species without a license.

### ENROLLED BILLS REPORT

HB 22, relative to shooting animals hunted by dogs.

HB 33, relating to fishing without a license by patients at the Dartmouth-Hitchcock Mental Health Center.

HB 57, prohibiting the use of a crossbow in taking fish, wild birds or wild animals.

HB 86, relative to special licenses for taking birds and animals.

SB 24, relative to state bridge and town bridge aid.

SB 31, relative to taking a motor vehicle without the owner's consent.

SB 54, relative to the 1971 appropriation for the division of parks and revising the appropriation for the state library for title IV-A funds.

Roxie A. Forbes  
for the Committee

### COMMITTEE REPORTS

#### HB 274

providing for certain transfers in the appropriations for fiscal year 1971 for the division of vocational rehabilitation, was withdrawn by committee.

**HB 300**

providing a fee for minors applying for instruction in safe handling of firearms. Ought to pass. Rep. Hayes for Fish and Game.

Charging a fee to minors applying for instruction in safe handling of firearms. There are no funds available for this course.

Rep. Gordon requested a quorum count.

320 members having answered; a quorum was present.

Rep. Maynard moved that HB 300 be indefinitely postponed and spoke in favor of the motion.

Rep. Hayes spoke against the motion.

(discussion)

Reps. Oleson and Boucher spoke in favor of the motion.

Adopted.

**HB 315**

providing that minors who have completed a hunter safety instruction course in another state be recognized as competent to handle firearms in this state. Ought to pass. Rep. Hayes for Fish and Game.

Adds satisfactory proof that minors have completed a hunter safety instruction course in another state equivalent to the course provided for by this chapter.

Ordered to third reading.

**HJR 25**

providing for payment of bobcat bounties and making an appropriation therefor. Ought to pass. Rep. Huggins for Fish and Game.

Providing for payment of bobcat bounties that have not been paid. This money has been owed since 1966-67.

Referred to Appropriations.

**HB 211**

to provide for treatment of minors for drug abuse without parental consent. Ought to pass with amendment. Rep. Underwood for Judiciary.

Allows children to be treated for drug dependency without the permission of the parents.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Parental Consent. Amend RSA 318-B by inserting after section 12 (supp) the following new section: 318-B:12-a Treatment for Drug Abuse. Any minor twelve years of age or older may voluntarily submit himself to treatment for drug dependency as defined in RSA 318-B:1, IX or any problem related to the use of drugs at any municipal health department, state institution or facility, public or private hospital or clinic, any licensed physician, or other accredited state or local social welfare agency, without the consent of a parent, guardian, or any other person charged with the care or custody of said minor. Such parent or legal guardian shall not be liable for the payment for any treatment rendered pursuant to this section. The treating facility, agency or individual shall keep records on the treatment given to minors as provided under this section in the usual and customary manner, but no reports or records or information contained therein shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, or statistical and medical purposes, except upon the written consent of the person examined or treated. Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical, dental or surgical treatment provided that such minor is of sufficient maturity to understand the nature of such treatment and the consequences thereof.

2 Effective Date. This act shall take effect sixty days after its passage.

At the request of Rep. Gordon, Rep. Underwood explained the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

**CACR 12**

Relating to: The Highway Fund. Providing that: Certain Revenue Shall Not Be Restricted to Highways. Inexpedient to legislate. Rep. Harvell for Constitutional Revision.

This proposed change in the Constitution would deposit the revenues and taxes received from the operation of motor vehicles in the general fund of the state instead of being restricted for use of highway construction, reconstruction and maintenance as is now required.

Rep. Robinson moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Raiche and Haller spoke in favor of the motion.

(discussion)

Reps. Trowbridge, Russell Chase, Buckman, Hardy and Harvell spoke against the motion.

Rep. Mallat moved the previous question; sufficiently seconded.

Adopted.

Rep. Robinson requested the yeas and nays; seconded by five members.

Rep. Robinson withdrew his request for the yeas and nays.

The Speaker requested a division.

Manifestly in the negative.

Motion lost.

Question being on the committee report, inexpedient to legislate.

Adopted.

**CACR 16**

Relating to: Referendum for Taxes. Providing that: A Majority vote of the qualified electorate is required to put into effect a tax levy which would raise two percent or more of the current general operating budget. Inexpedient to legislate. Rep. Harvell for Constitutional Revision.

The committee felt that the proposed constitutional change would be administratively unworkable.

Resolution adopted.

## RECESS

## AFTER RECESS

(Rep. Trowbridge in Chair)

## SENATE MESSAGE

### Concurrence for Committee of Conference

HB 31, relative to the filing of annual returns, false statements relative thereto and reservation of a name by a foreign corporation.

Senators Jacobson and Leonard.

## INTRODUCTION OF HCR 15

memorializing Congress to provide two hundred dollar monthly minimum social security benefits.

*Whereas*, the relationship that exists between the Federal social security system and the senior citizens of New Hampshire is a matter of vital concern; and

*Whereas*, the present population of New Hampshire is comprised of many persons sixty-five years of age or older; and

*Whereas*, many of our senior citizens' sole means of support is provided by the Federal social security system; and

*Whereas*, the present inflationary trend in our state and nation is severely limiting the purchasing power of the monies provided by the Federal social security system;

*Now therefore be it resolved:*

That the Legislature of the State of New Hampshire hereby expresses its desire that the minimum monthly social security payment to persons sixty-five years of age or older be not less than two hundred dollars,

That the Legislature memorialize the New Hampshire representatives to the Congress of the United States to take immediate action to implement the above request,

That copies of this Resolution be forwarded to the Washington office of each of the United States senators and representatives from New Hampshire.

Referred to Committee on Labor, Human Resources and Rehabilitation.

### COMMITTEE REPORTS CONTINUED

#### **HB 419**

relative to supplies for discharged prisoners. Ought to pass with amendment. Rep. Cate for Labor, Human Resources and Rehabilitation.

Increases discharged prisoners gate money from \$30 to \$60.

#### AMENDMENT

Amend the bill by striking out section 2 and renumbering section 3 to read section 2.

Amendment adopted.

Referred to Appropriations.

Rep. George Roberts wished to be recorded as having voted in favor of HB 419.

#### **HB 233**

relative to the definition of a child-caring agency. Ought to pass with amendment. Rep. Ruth Griffin for Public Health and Welfare.

#### AMENDMENT

Amend RSA 170:2, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Receives for foster care, custody or control four or more children under the age of sixteen years any one of which stands in a relationship to the operator of the child-caring agency more distant in the degrees of kinship, by affinity or consanguinity, than second cousin who are separated from their parent or guardian, except children committed by a court; or during part or all of the day regularly gives care to one or more children, under twelve years of age, any one of which stands in a

relationship to the operator of the child-caring agency more distant in the degrees of kinship, by affinity or consanguinity, than second cousin, whether or not the care is given for compensation, and whether or not the service is known as a family day care home, child care center, day nursery, day care agency, child development center, nursery school, kindergarten, play school, progressive school, or by any other name. The term child-caring agency does not include a bona fide summer camp, a hospital, a public school, a private school approved by the state board of education or a private home or other facility in which a child is left by his parent or guardian for temporary care for a period not exceeding thirty days in any calendar year. Such child-caring agencies shall keep a register of the name and address of each child, the name and address of his parent or guardian and the dates of his arrival and departure. Such register shall be available at any time for the inspection of the director of welfare or his authorized representative.

Amend RSA 170:20 as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

170:20 Certificates of Good Health. The certificate required by the provisions of RSA 170:19 shall be a form approved by the welfare division, department of health and welfare, and shall contain a statement signed by a duly licensed physician that he has found the individual to be free of communicable disease, and physical and mental impairment. In order to make this determination the physician shall, as a minimum, administer and interpret a tuberculin skin test or have a chest film made unless a test with negative results has been administered or a chest film made within ninety days of said certification. The results of any such tests shall be noted on said certificate.

Amendment adopted.

Ordered to third reading.

#### **HB 244**

providing for a halfway house for alcoholics and making appropriations therefor. Ought to pass with amendment. Rep. Goodrich for Public Health and Welfare.

Appropriation for deficit budget from April 1, 1971 to June 30, 1971.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

providing for a halfway house for alcoholics  
and making an appropriation therefor.

Amend section 2 of the bill by striking out the section and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated for the purpose of RSA 172-A as inserted by section 1 of this act, to be expended by the Program on Alcohol and Drug Abuse, department of health and welfare, the following sum: nine thousand six hundred twenty-nine dollars for the period beginning April 1, 1971 and ending June 30, 1971. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Tirrell House Budget April 1, 1971-June 30, 1971

Permanent personal services	
1 Dormitory supervisor	\$1,305
1 Clerk stenographer I	960
1 Cook	1,227
*Other personal services	2,615
Employee benefits	349
Current expense	
Food	900
Rental (including taxes)	1,625
Supplies and services	648
	<hr/>
Net appropriation	\$9,629

\*Part-time and temporary help on a need basis to operate Tirrell House on a twenty-four hour a day basis.

Amendment adopted.

Referred to Appropriations.

**HB 220**

authorizing the state of New Hampshire to acquire Con-toocook Village Dam in the town of Hopkinton. Ought to pass with amendment. Rep. Fortier for Public Works.

Authorizes the transfer of town-owned dam to the state presuming that the dam does not require repairs and is in no danger.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 482-E the following new chapter:

#### Chapter 482-F

##### Acquisition of a Certain Dam and Water Rights

482-F:1 Acquisition Authorized. For a consideration of one dollar the New Hampshire water resources board is hereby authorized to accept conveyance from the owners thereof the Contoocook village dam, so-called, on the Contoocook river in the town of Hopkinton in Merrimack county, and the water rights, land and other facilities connected therewith for the purpose of improving and controlling certain water rights for the benefit of the state.

482-F:2 Tax Exemption. The properties hereby authorized to be acquired by the water resources board for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. Gordon requested a quorum count.

311 members having answered, a quorum was present.

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Rep. Harry Parker explained the bill.

Amendment adopted.

Ordered to third reading.

#### **HB 264**

providing for qualification of bridge inspectors and making bridge inspection a prerequisite to application for bridge aid. Ought to pass with amendment. Rep. Burns for Public Works.

Provides that all towns and cities have their bridges inspected by the department of public works and highways prior to June 30, 1975.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Scheduling of Bridge Inspection. Amend RSA 242-A:3 (supp) as inserted by 1969, 222:1 by striking out said section and inserting in place thereof the following: 242-A:3 Bridges on Class IV and V Highways and Municipally Maintained Bridges on Class II Highways. The town or city official in charge of highways, or the selectmen of a town, shall schedule the inspection of all bridges on class IV or V highways and town or city maintained bridges on class II highways, such inspection shall be accomplished by the department of public works and highways. Such inspections shall be scheduled to be completed by no later than June 30, 1975. Evidence of compliance with this section shall be a prerequisite to application for state bridge aid funds.

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. Burns explained the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

### HB 248

establishing an interim commission to study flood plains. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Ordered to third reading.

### HB 255

to increase the discount for resident purchasing season ski tickets. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Increases present discounts from 20 to 25%.

Ordered to third reading.

**HB 265**

prohibiting the use of motor boats on Mirror Lake in Woodstock. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Protects small pond in Woodstock, in the community interest.

Ordered to third reading.

**HB 279**

prohibiting candidates for office, other than the offices of an election official, from working within a polling place. Inexpedient to legislate. Rep. Burleigh for Statutory Revision.

Would prohibit candidates for other than ward officers to work at the polls. It was felt this might work a hardship on small towns.

Rep. Spirou moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Burleigh, Coutermarsh, Elmer Johnson and Healy spoke against the motion.

(discussion)

Reps. Wilfrid Boisvert, Richard Bradley, Townsend, Cares, McDonough and Mabel Richardson spoke in favor of the motion.

Rep. MacDonald explained the committee report.

Rep. Bowles spoke in favor of the motion.

Rep. Lavallee moved the previous question; sufficiently seconded.

A division was requested.

115 members having voted in the affirmative and 192 in the negative, the motion failed.

Rep. Spiro requested a roll call; seconded by five members.

## ROLL CALL

Yeas: 116   Nays: 208

## YEAS

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Withington, Knight, Poehlman, Weillbrenner, Colburn, Daloz, Spalding, Kenneth W., Hall, Belzil, Bouchard, Maurice L., Cobleigh, Record, Gardner, Cleon J., Cote, Margaret S., Ouellette, Bissonnette, Gabriel, Keeney, Cares, Bridges, Harvell, Van Loan, Abbott, Zachos, Ackerson, Bourassa, Bruton, Cote, Joseph L., Spirou, Clancy, McDonough, Boisvert, Emile, Leclerc, Sysyn, Lemieux, Raiche, Lynch, Doris T., Sweeney, Clear, Murphy, Dennis J., Martineau, Allard, Brunelle, Lavallee.

## MERRIMACK COUNTY:

Andrews, Parker, Harry C., Enright, Gordon, Piper, Michels, Cate, Haller, Miner, Filides, Underwood, Woodward.

## ROCKINGHAM COUNTY:

Stimmell, Boucher, Read, Senter, Lovell, O'Neil, Robert E., Smith, Philip A., Fiske, Greene, Lockhart, Chandler, Bowles.

## STRAFFORD COUNTY:

Brown, Smith, Elmer C., Clark, Shirley M., Maloomain, Towle, Thompson, Barbara C., Beaudoin, Balomenos, Parnagian.

## SULLIVAN COUNTY:

Townsend, Flint, Saggiotes, Williamson.

## BELKNAP COUNTY:

Roberts, Charles B., Nighswander, Mutzbauer, Huot.

## CARROLL COUNTY:

Webster, Chase, Russell C.

## CHESHIRE COUNTY:

Johnson, Edward A., Cournoyer, Coughlin, Dunham, O'Neil, James E., Mallat, Vogel, Saunders, Shortlidge, Barker, Cummings, Richard E.

## COOS COUNTY:

Huggins, Bushey, Burns, Oswell, Richardson, Mabel L.

## GRAFTON COUNTY:

Rich, Stevenson, Malcolm J., Tilton, Higgins, Chamberlin, Bradley, David H., Gemmill, Foster, Tremblay, Dudley, Merrill, Bradley, Richard L.

## NAYS

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Sawyer, Karnis, Eaton, Clyde S., Heald, Philip C., Carter, Coburn, Bragdon, Trombley, Cote, Peter R., Drabinowicz, Mason, Desmarais, Lachance, Chamard, O'Neil, Robert, Aubut, Grandmaison, Sirois, Coutermarsh, Alukonis, Bednar, Peabody, Arthur H., Dwyer, Lyons, Daniels, Milne, Montplaisir, Dion, Cullity, McDermott, Manning, Barrett, Healy, Lynch, John T., Simard, Champagne, Chevette, Derome, St. Onge, Robinson, Belanger, Lamy, Levasseur, Lesmerises, Burke, O'Connor, Timothy, Vachon.

## MERRIMACK COUNTY:

Bigelow, Hardy, Riley, Gamache, Little, Bartlett, Avery, Perkins, Kopperl, Thompson, Doris L., Burleigh, Dempsey, Chapley, Greely, Mattice, Humphrey, James A., Davis, Alice, Howland, MacDonald, Sanders, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Noble.

## ROCKINGHAM COUNTY:

Fernald, Wilson, Helen F., Griffin, Margaret A., Soule, Adams, MacGregor, Belair, Gelt, Clark, Ernest D., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Greenwood, Goodrich, Vey, Sewall, Twardus, Collishaw, Eastman, Junkins, Page, Hamel, Randall, Cheney, George L., Cun-

ningham, Langley, Leavitt, Hammond, Keefe, Maynard, McEachern, Griffin, Ruth L., Quirk, Connors, Dame, Palfrey, Jameson, Woods, Croft.

STRAFFORD COUNTY:

McIntire, Canney, Stevenson, Douglas M., Cochrane, Tirrell, Joncas, Habel, Chasse, Hebert, Boire, Ineson, Ruel, Sylvain, Dunlap, Preston, Tripp, Leighton, Bernard, Webber, Fellows, Richardson, Harriett W. B.

SULLIVAN COUNTY:

Chase, Donald R., Gaffney, Rousseau, Campbell, Spaulding, Roma A., Barrows, Burrows, D'Amante, Downing, Shulins, Frizzell, Fleming.

BELKNAP COUNTY:

Urie, Lawton, Wilkinson, Wuelper, Roberts, George B., McCarthy, Drouin, Head, Dulac, Randlett, Maguire, Whittemore.

CARROLL COUNTY:

Howard, Donald K., Cox, Davis, Esther M., Lagroe, Hayes, Conley, Davis, Dorothy W., Claflin, Hughes.

CHESHIRE COUNTY:

Ballam, Churchill, Forbes, Yardley, Allen, Bennett, Johnson, Elmer L., Hackler, Ames, Heald, Cleon E., Moran, Drew.

COOS COUNTY:

Cook, Hunt, Mayhew, Lee, O'Hara, Oleson, Dubey, Fortier, Roy, Studd, York, Elmer H., Brungot, McCuin, Bouchard, Gagnon, Kidder.

GRAFTON COUNTY:

Gardner, Van H., Brummer, Mann, Ezra B., Anderson, Duhaime, Roger M., Altman, Blain, Hopkins, Buckman, Bell, Mitchell.

The following members abstained under Rule 16: Reps. Duhaime, Armand L., Lambert, Murray, Sherman, Cheney, Charles H., Sayer, Kinney, Theriault, Dow, Sears, French, Forcier.

and the motion failed.

The question now being on HB 279 as inexpedient to legislate.

Resolution adopted.

### RECONSIDERATION

Rep. Coutermarsh, having voted with the majority, moved that the House reconsider its action whereby it killed HB 279 and spoke against the motion.

Motion lost.

Under Rule 57 the Speaker called for

#### **HB 192**

exempting Nashua from the payment of debt time limitation pursuant to changing the dates of the fiscal year.

Rep. Maurice Bouchard explained the bill.

Rep. Gabriel moved that HB 192 be laid on the table.

Adopted.

The Speaker called for Special Order for 11:02 on

#### **HB 27**

to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor. Ought to pass with amendment.

Rep. Claffin moved that HB 27 be made a Special Order for 11:01 on Thursday next and spoke in favor of the motion.

Rep. James O'Neil spoke in favor of the motion.

Adopted.

The Speaker called for Special Order for 11:01 on

**HB 132**

providing for unemployment compensation dependency payments. Inexpedient to legislate.

Rep. Cares moved that HB 132 be made a Special Order for 11:02 on Thursday next and spoke in favor of the motion.

Motion lost.

Rep. Raiche moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

Reps. Merrill and Malcolm Stevenson spoke against the motion.

Rep. Robert O'Neil spoke in favor of the motion.

(Discussion)

A division was requested.

The vote being manifestly in the negative, the motion lost.

Resolution adopted.

**UNANIMOUS CONSENT**

Rep. Cares addressed the House.

Rep. Vachon moved that the remarks of Rep. Cares be printed in the Journal.

Adopted.

**REP. CARES REMARKS**

Mr. Speaker: Just a short moment of your time to make one point very clear about an incident which took place on last Thursday. A great deal of controversy has grown up around the issue of the rental of Representatives Hall for the meeting of the tax protest held on Sunday. I do not rise to criticize or blame anyone — Rather I chose to vindicate one individual of any blame or involvement. I can testify emphatically that Milt Street our clerk did all in his power to remain fair and impartial and went out of his way in an attempt to contact the individuals involved with the rental of the hall — even to the point of contacting me to assist.

This has been Milt Street's practice for as long as he has been clerk of this house. He has always tried to serve as the only totally fair and impartial officer of this house. He has never to my knowledge failed to keep a confidence, or to assist members in making motions and defining parliamentary maneuvers.

I again repeat, he was not involved in the incident on Thursday beyond the concerted effort to contact the ones involved in order to deliver a message. With your permission Mr. Speaker I ask the House to join with me in a round of applause in salute to one very fine House Clerk, Milt Street.

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On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 315, providing that minors who have completed a hunter safety instruction course in another state be recognized as competent to handle firearms in this state.

HB 211, to provide for treatment of minors for drug abuse without parental consent.

HB 233, relative to the definition of a child-caring agency.

HB 220, authorizing the state of New Hampshire to acquire Contoocook Village Dam in the town of Hopkinton.

HB 248, establishing an interim commission to study flood plains.

HB 255, to increase the discount for resident purchasing season ski tickets.

HB 265, prohibiting the use of motor boats on Mirror Lake in Woodstock.

HB 264, providing for qualification of bridge inspectors and making bridge inspection a prerequisite to application for bridge aid.

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On motion of Rep. Spirou the House adjourned at 5:11 p.m.

*Wednesday, 24Mar71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD, author of our freedom, the source of our precious liberty, and the guardian of all truth — grant unto us the wisdom, the concern, and the love that will enable us to preserve these blessed gifts. Grant us the courage to overcome indifference and expediency which would dim the brightness of freedom's holy light, or cause these freedoms to slip from us by default. Strengthen us in our righteous endeavors and good works as members of this House and Representatives of the people of New Hampshire. Amen.

Rep. Keeney led the Pledge of Allegiance.

#### LEAVE OF ABSENCE

Rep. McGee, illness, today and tomorrow.

#### RESOLUTION

Rep. Soule offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 621 through 636 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 620, to be introduced at a later date.

HB 621, increasing the authorized debt limit of the Pelham school district. (Peabody of Hillsborough Dist. 24; Cares of Hillsborough Dist. 24 — To Statutory Revision.)

HIB 622, relative to regional sewage disposal plants. (Urie of Belknap Dist. 1; Dulac of Belknap Dist. 11 — To Resources, Recreation and Development.)

HB 623, extending the application of the right to know law to the legislature and all its committees. (Cobleigh of Hillsborough Dist. 15 — To Statutory Revision.)

HB 624, banning propeller air driven boats from the waters of New Hampshire. (McLane of Merrimack Dist. 23; Gemmill of Grafton Dist. 10 — To Environmental Quality and Agriculture.)

HB 625, relative to the authority of the director of the fish and game department to close the season for taking wild deer. (Hayes of Carroll Dist. 3 — To Fish and Game.)

HB 626, to require higher safety standards in the construction of driveways and other accesses to the public way. (Bartlett of Merrimack Dist. 10 — To Public Works.)

HB 627, requiring building permits from the state. (Michels of Merrimack Dist. 19 — To Resources, Recreation and Development.)

HB 628, relative to trespasses on private property. (Heald of Hillsborough Dist. 10 — To Fish and Game.)

HB 629, relative to clothing worn by certain hunters. (Maynard of Rockingham Dist. 24; Kinney of Strafford Dist. 19 — To Fish and Game.)

HB 630, relative to housing authorities. (Martineau of Hillsborough Dist. 38 — To Municipal and County Government.)

HB 631, providing that a portion of hunting license revenue shall be used for stocking small game. (Maynard of Rockingham Dist. 24 — To Fish and Game.)

HB 632, relative to an assistant county attorney for Rockingham County. (Maynard of Rockingham Dist. 24; Sayer of Rockingham Dist. 7 — To Special Committee — Rockingham Delegation.)

HB 633, relative to commitment to mental institutions. (Hughes of Carroll Dist. 8 — To Labor, Human Resources and Rehabilitation.)

HB 634, authorizing the Hampton school district to increase the size of its school board to five members. (Cunningham of Rockingham Dist. 20; Langley of Rockingham Dist. 20 — To Municipal and County Government.)

HB 635, to promote competent ambulance service. (Foster of Grafton Dist. 11 — To Public Health and Welfare.)

HB 636, to expand the authority of water supply and pollution control commission relative to safety regulations for recreational camps and public swimming pools. (Schwaner of Rockingham Dist. 9 — To Environmental Quality and Agriculture.)

### RECONSIDERATION

Rep. Lamy announced that today or some subsequent day she would ask for reconsideration on HB 132, providing for unemployment compensation dependency payments.

### RECONSIDERATION

Rep. Lagroe announced that today or some subsequent day he would ask for reconsideration on HB 211 to provide for treatment of minors for drug abuse without parental consent.

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Rep. Boucher requested a six day extension on HB 283, clarifying the authority of school boards in managing school affairs.

Granted.

Rep. Roma Spaulding requested a six day extension on HB 208, relative to foster care services for certain children and youth and making an appropriation therefor.

Granted.

### BILLS PLACED ON CALENDAR, UNDER RULE 57, FOR MARCH 30

Bills Due for Report and Not Reported:

Public Health and Welfare

HB 240, designating abortion as a legal medical procedure under certain conditions.

HB 252, permitting abortion under certain circumstances.

#### Constitutional Revision

HB 251, providing that the provisions of the constitution of New Hampshire shall establish the age of voters.

#### BILLS PLACED ON CALENDAR, UNDER RULE 57, FOR MARCH 31

##### Bills Due for Report and Not Reported:

Special Committee, Strafford County Delegation

HB 130, increasing the salary of the Strafford county sheriff.

#### Executive Departments and Administration

HB 219, establishing a revaluation division in the tax commission and making an appropriation therefor.

#### SENATE MESSAGE

##### Concurrence

HB 16, permitting charitable organizations to hold raffles.

HB 49, relative to the unauthorized removal of national or state flags while they are on display.

(Rep. George Roberts in the Chair)

#### CONSENT CALENDAR DAY

#### COMMITTEE REPORTS

##### HJR 28

in favor of Mrs. Ada F. Stewart. Inexpedient to legislate. Rep. Hood for Claims, Military and Veterans Affairs.

The Department of Public Works and Highways was never involved in the required procedure for claims of this nature. Other factors involved in contamination of water.

Resolution adopted.

##### HJR 33

to reimburse Edward Herbert for loss of his automobile. Inexpedient to legislate. Rep. Hood for Claims, Military and Veterans Affairs.

Committee feels that the Highway Department was not at fault.

Resolution adopted.

**SB 42**

increasing the membership of the commission advisory to the commissioner of resources and development and making the commissioner of public works and highways a member. Ought to pass. Rep. Moran for Executive Departments and Administration.

Ordered to third reading.

**HB 262**

providing that only male deer can be taken in each odd year, was withdrawn at the request of a member.

**HB 297**

relative to taking deer with single shot muzzle-loading firearms. Ought to pass. Rep. Stimmell for Fish and Game.

Makes law clear on muzzle loading rifles. Only single shot type gun allowed.

Ordered to third reading.

**HB 202**

lowering age of persons who may purchase and use alcoholic beverages to eighteen years, was withdrawn at the request of a member.

**HB 259**

providing that liquor stores remain closed on all state and federal holidays. Inexpedient to legislate. Rep. Enright for Liquor Laws.

Resolution adopted.

**HB 320**

authorizing the sale of liquor on any holiday, was withdrawn at the request of a member.

**HB 327**

to increase the compensation of the board of hairdressers, increase fees, and establish new licensing standards. Ought to pass. Rep. Foster for Public Health and Welfare.

Housekeeping bill.

Ordered to third reading.

**SB 8**

providing that encumbered appropriations of tolls collected on Central New Hampshire Turnpike shall not lapse until the object thereof is accomplished. Ought to pass. Rep. Donald Chase for Public Works.

The turnpikes being on a different fiscal year than the state, most contracts for work overlap two fiscal years and these bills simply allow the contracts for resurfacing, etc. to be completed with legislative approval thereafter.

Ordered to third reading.

**HB 266**

appropriating funds for land acquisition and first phase facilities at the Merrimack Valley branch of the University of New Hampshire. Inexpedient to legislate; subject matter covered in capital budget. Rep. Trowbridge for Public Works.

Resolution adopted.

**SB 9**

providing that encumbered appropriations of tolls collected on Eastern New Hampshire Turnpike shall not lapse until the object thereof is accomplished. Ought to pass. Rep. Donald Chase for Public Works.

The turnpikes being on a different fiscal year than the state, most contracts for work overlap two fiscal years and these bills simply allow the contracts for resurfacing, etc. to be completed with legislative approval thereafter.

Ordered to third reading.

**HB 434**

repealing the statute permitting time trials of motor vehicles in Rollins State Park. Ought to pass. Rep. Hamel for Transportation.

Repeals the 1969 law which has proved to be unworkable.

Ordered to third reading.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, resolutions by caption only, and that

when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

### LATE SESSION

#### Third reading and final passage

SB 42, increasing the membership of the commission advisory to the commissioner of resources and development and making the commissioner of public works and highways a member.

HB 297, relative to taking deer with single shot muzzle-loading firearms.

HB 327, to increase the compensation of the board of hairdressers, increase fees, and establish new licensing standards.

SB 8, providing that encumbered appropriations of tolls collected on Central New Hampshire Turnpike shall not lapse until the object thereof is accomplished.

SB 9, providing that encumbered appropriations of tolls collected on Eastern New Hampshire Turnpike shall not lapse until the object thereof is accomplished.

HB 434, repealing the statute permitting time trials of motor vehicles in Rollins State Park.

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On motion of Rep. Canney the House adjourned at 11:27 a.m.

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*Thursday, 25Mar71*

The House met at 11:00 o'clock.

Prayer was offered by guest Chaplain, Rev. George E. Economou, Assumption of Virgin Mary Greek Orthodox Church, Manchester.

Heavenly Father, King and Comforter, Spirit of Truth present everywhere who fillest all creation, the Treasurer of all blessings and Giver of Life, come and dwell within us. Be merciful to us as we trust in Thee. Be not wrathful at us above meas-

ure nor remember our lawless deeds. But look upon us now, merciful as Thou art, Who has long patience, great compassion and many mercies; Who loves the just and shows mercy to sinners. Who calls all to Salvation by the promise of future blessings: accept, O Lord from us also our prayer at this moment, and direct our life towards Thy commandments. Making us holy in spirit, pure in body, right in our reasoning, clear in our thinking, and deliver us from affliction, ills, and pain. Protect, guard, and guide us that we may achieve unity in Faith, and attain the vision of Thy surpassing Glory.

We confess there is much in our lives that needs renewal and change. Too often we respond to motivations of selfishness, too slowly we give up ancient prejudices, too frequently we refuse new insights while clinging to unenlightened ideas of our own recent past. Much is to be desired of our expression of love, concern, and compassion for our fellow men.

Help us to fulfill, and execute the duties of our office, entrusted to us by the people we represent, and the State we serve, responsibly, with dedication, zeal, truthfulness, sincerity, trustworthiness, compassion, love, and self sacrifice if need be.

Let our gratitude be the force that moves us forward with the task of creating not only improved State and Nation but also an improved world in which all men shall be able to seek their true humanity. The humanity Thou created and creates in Thine Image and Likeness, setting it Free to rule Thy Creation.

This very Freedom that 150 years ago on this day, March 25, 1821 a small, insignificant, but heroic Greek Nation, no longer able to withstand oppression, slavery, deprivation, loss of freedom and dignity — basic rights every man is born with — imposed for over 400 years by the Ottoman Empire — Rose up in an all out effort, with the motto “Freedom or Death” and achieved this sacred and much valued freedom. The very same basic rights the Fathers of our great nation fought and sacrificed to achieve.

Today on this 150th Anniversary of the Revolution of the Greek Nation, those of us standing here before Thee our Heavenly Father, blessed with this Freedom, Liberty, and Justice we enjoy, Thank Thee for those who in burning desire to set man free, sacrificed in their Nation’s Sacrificial Altar, their lives,

that through their death those of us who followed may have life and Freedom. Ask humbly of Thee, the Source of All Life: Give them eternal and peaceful rest, and keep them in Thy Eternal Presence. Amen.

Reps. Spirou and Zachos led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Rep. Lavallee, the day, illness in family.

Rep. York, the day, death in family.

### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 637 through 647 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 637, regulating privately owned public campgrounds. (Clark of Strafford Dist. 4 — To Environmental Quality and Agriculture.)

HB 638, making it optional for doctors to have the word physician put on their number plates. (Maguire of Belknap Dist. 12 — To Transportation and Aeronautics.)

HB 639, relative to the purchase and condemnation of property by the state. (Maynard of Rockingham Dist. 24 — To Municipal and County Government.)

HB 640, establishing a line item budget for the city of Manchester. (Martineau of Hillsborough Dist. 38 — To Special Committee — Manchester Delegation.)

HB 641, relative to wages paid to workers on public works projects funded exclusively by municipal funds. (Cunningham of Rockingham Dist. 20; Langley of Rockingham Dist. 20 — To Public Works.)

HB 642, eliminating the payment of taxes as a condition precedent to receiving the service exemption from taxes. (York of Merrimack Dist. 20 — To Claims, Military and Veterans Affairs.)

HB 643, relative to supervisory audits of credit unions. (Noble of Merrimack Dist. 27 — To Executive Departments and Administration.)

HB 644, defining earnable compensation in the state employees retirement system. (Michels of Merrimack Dist. 19 — To Executive Departments and Administration.)

HB 645, relative to the practice of veterinary medicine in New Hampshire. (Lee of Coos Dist. 3 — To Environmental Quality and Agriculture.)

HB 646, prohibiting certain billboards and regulating outdoor advertising. (Parker of Hillsborough Dist. 15 — To Public Works.)

HB 647, to provide additional retirement allowances to certain retired members of the policemen's retirement system. (Rules Committee for Tarr of Merrimack Dist. 28 — To Executive Departments and Administration.)

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Rep. Lamy withdrew her notice of reconsideration on HB 132, providing for unemployment compensation dependency payments.

## SENATE MESSAGES

### Concurrence

HB 137, relative to absentee voting by members of armed services.

### Concurrence with Senate Amendment

HB 106, to clarify the definition of subdivision.

(Amendment in Senate Journal.)

Rep. Claffin moved that the House nonconcur with the Senate amendment to HB 106 and that a committee of Conference be established.

Adopted.

The Speaker appointed Reps. Fuller, Kopperl and Mayhew.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 38, authorizing town by-laws on snow removal. — To Municipal and County Government.

SB 72, relative to the issuance of state notes. — To Public Works.

SB 85, providing for a one day deer season for residents only. — To Fish and Game.

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Rep. Clark moved to vacate reference of HB 643, relative to supervisory audits of credit unions, from the committee on Executive Departments and Administration and refer to Banks and Insurance. Adopted

Rep. Clark moved to vacate reference of HJR 42, relative to retirement credit for Thomas A. Bolton, from the committee on Executive Departments and Administration and refer to Claims, Military and Veterans Affairs. Adopted

Rep. Bowles moved to vacate reference of HB 475, providing that Marion L. Wagner shall receive retirement credit for certain prior service and making an appropriation therefor, from the committee on Education and refer to Appropriations. Adopted

## BILLS PLACED ON CALENDAR UNDER RULE 57 PLACED ON CALENDAR OF APRIL 1

Bills Due for Report and Not Reported:

### Public Health and Welfare

HB 239, permitting abortion in certain cases.

### Executive Departments and Administration

HB 257, relative to sick leave for state employees.

### Resources, Recreation and Development

HB 269, prohibiting the mining of sand and gravel in the inland and tidal waters of the state.

HB 275, authorizing towns to make by-laws relating to hazardous pits.

### UNANIMOUS CONSENT

Rep. Beckett addressed the House by unanimous consent.

Rep. James O'Neil moved that the remarks of Rep. Beckett be printed in the Journal.

Adopted.

### REMARKS OF REP. JOHN A. BECKETT

Mr. Speaker; I rise with unanimous consent to protest the actions of some as yet unidentified authors of an undated, unsigned letter addressed to the members of the General Court of New Hampshire — a letter that was postmarked in Nashua and received in the mail on Tuesday, March 23.

The members of the General Court have a right to know the identities of those who address them and urge them to take positions on pending or prospective legislation. Those who communicate with us have an obligation to identify themselves. It is not only bad manners and a violation of all courtesy to communicate in this way; it is scurrilous politics as well.

It is, perhaps, understandable that the letter to which I refer was not signed by its authors. Its contents are patently absurd. It displays a vast ignorance of the subject matter to which it relates. It is packed with emotional nonsense and economic claptrap. It is filled with ambiguities and simplistic slogans. It employs the tactics of the poison pen. Moreover, it is internally inconsistent and self-contradictory. And it is not even well composed.

Small wonder, then, that the authors chose to hide behind their anonymity and thus to shelter themselves from direct confrontation with fair and open debate of the issues.

These fanatics use the all-too-familiar tools of bigotry. Whoever they are they deserve to be condemned by this House. Their tactics have no place in a democratic forum. They insult the processes of government.

Mr. Speaker, I do not know the names of the authors of that letter, but I do know some of their characteristics.

They are mischievous

They are not to be trusted

They are bigots

And they are cowards

I feel confident that they are not Greeks.

This House must not permit itself to be misled by such rascals as these authors; they deserve above all else to be ignored.

Rep. Withington, at Rep. Gordon's request, asked for a quorum count.

274 members having answered, a quorum was present.

### COMMUNICATION

March 24, 1971

Marshall W. Cobleigh, Speaker of the House

John R. Bradshaw, President of the Senate

Mr. Speaker and Mr. President:

On May 15, 1969, House Bill 904, relative to enacting a criminal code, was "referred" to the Judiciary Committees of the House and Senate as a Joint Committee. The Joint Committee was "directed and authorized to consider this bill during the interim, to hold public hearings in reference thereto, and to make its recommendation, including any proposed legislation" to the 1971 session of the General Court.

It is my pleasure as Co-Chairman of the Joint Interim Committee to report to you on the activities of the Committee. Before doing so, I'd like to mention, briefly, how the Bill came into existence.

House Bill 904 was the report of the Commission to Recommend Codification of Criminal Laws. That Commission was created in 1967 by act of this Legislature (Laws 1967, Chapter 451) and consisted of Frank R. Kenison of Concord, Chief Justice of the N. H. Supreme Court, who served as Chairman, Attorney Richard H. Keefe of Dover, Clerk of the Strafford County Superior Court, and Attorney Clifford J. Ross of Manchester, N. H.

The Commission held 22 formal meetings over a period of 14 months in preparation of its report, including informal consultations with police officials, prosecutors, attorneys, the

office of the Attorney General, and numerous Judges. It was ably assisted in its endeavors by Professor Sanford J. Fox of the Boston College Law School, who did the research and drafting.

Accepting your charge, the Joint Interim Committee held four public hearings on House Bill 904. These hearings were comprehensive and exhaustive and were attended by many representatives of various interest groups, as well as members of the public at large.

Following these public hearings, the Joint Interim Committee held eight executive sessions. Each of these sessions lasted approximately 4-5 hours. During these sessions, each provision of the proposed code was carefully and meticulously examined. All verbal and written recommendations relative to the codification were considered by the Committee. The Committee eventually approved some 50 amendments to the report that was made by the Commission.

The Committee decided to submit three sections of the original report in separate bills, those dealing with abortion, sentence for murder, and proceedings to determine sentence for murder. These three sections represent a substantial departure from present New Hampshire law and because of the emotional overtones of the subjects, it was thought that they would receive more appropriate consideration if they were considered separately. Consequently, these sections have been introduced by me on behalf of the Committee without recommendation by the Joint Committee.

Throughout the Committee's activities, during the public hearings and the executive sessions, and in putting together the final report, we have continued to receive great assistance from Judge Kenison and Professor Fox. Furthermore, the competent and exceptional assistance of William Deachman of the Office of Legislative Services has been of immeasurable value to the Committee.

The final report of the Joint Committee will be introduced shortly as a single omnibus bill. The Committee feels that its proposal will provide a better organized and up-dated body of criminal law. We recommend it to you for favorable action.

Respectfully submitted,

Kimon S. Zachos, Co-Chairman  
Interim House and Senate Judiciary Committee

## COMMITTEE REPORTS

**HB 274**

providing for certain transfers in the appropriations for fiscal year 1971 for the division of vocational rehabilitation. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

Notwithstanding any other statutes to the contrary, there is hereby transferred from the sums available to the division of vocational rehabilitation in the department of education for the fiscal year ending June 30, 1971, from out of state travel the sum of \$3,500 and from out of state travel vocational rehabilitation — cooperative program — federal \$1,000 and from cooperative program — federal personal services permanent \$100,000; \$3,500 to vocational rehabilitation other expenditures, case services and \$101,000 to vocational rehabilitation — cooperative program — federal other expenditures-other.

Amendment adopted.      Ordered to third reading.

**HB 181**

to provide for the regulation of title insurance. Ought to pass with amendment. Rep. Lamy for Banks and Insurance.

Gives the Insurance Commissioner power to regulate title insurance companies, who are just beginning to sell title insurance in New Hampshire.

## AMENDMENT

Amend RSA 416-A:2, V as inserted by section 1 of the bill by striking out in lines five and six the words "including the cost of doing business and a reasonable profit, but excluding fee, if any" so that said paragraph as amended shall read as follows:

V. "Premium" for title insurance is the amount charged by a title insurance company, agent for a title insurance company, or either of them, to an insured or an applicant for insurance for the assumption by the title insurance company of the risk created by the issuance of the title insurance policy.

Amend RSA 416-A:2, VI as inserted by section 1 of the bill by striking out in lines five and six the words "or an approved attorney of a title insurance company, or any of them" so that said paragraph as amended shall read as follows:

VI. "Fee" for title insurance means and includes the premium, abstracting and/or searching charge, examination charge, and every other charge, exclusive of settlement, closing or escrow charges, whether denominated premium or otherwise, made by a title insurance company, agent of a title insurance company, to an insured or to an applicant for insurance, for any policy or contract for the issuance of title insurance, but the term "fee" shall not include any charges paid to and retained by an attorney at law or abstracter acting as an independent contractor whether or not he is acting as an agent of a title insurance company or an approved attorney, or any charges made for special services not constituting title insurance, even though performed in connection with a title insurance policy or contract.

Amend RSA 416-A:6 as inserted by section 1 of the bill by inserting in line seven after the word "agent" the words (or its approved attorney) and by striking out in line eight the word "fifteen" and inserting in place thereof the word (twenty) so that said section as amended shall read as follows:

416-A:6 Determination of Insurability Required. No policy or contract of title insurance shall be written unless and until the title insurance company has caused to be conducted a reasonable examination of the title and has caused to be made a determination of insurability of title in accordance with sound underwriting practices for title insurance companies. Evidence thereof shall be preserved and retained in the files of the title insurance company or its agent or its approved attorney for a period of not less than twenty years after the policy or contract of title insurance has been issued. In lieu of retaining the original copy, the title insurance company or the agent of the title insurance company, may in the regular course of business, establish a system whereby all or part of these writings are recorded, copied, or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for reproducing the original. This section shall not apply to either a company assuming no primary liability in a contract of reinsurance,

or a company acting as a coinsurer if one of the other coinsuring companies has complied with this section.

Amend RSA 416-A:15 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

416-A:15 Title Insurance Agent's License.

I. Title insurance agents shall be licensed in the manner provided for agents of insurance companies by RSA 402:15 through RSA 402:26, except as otherwise provided in this section.

II. Full-time employees of a corporate contractual agent of a title insurance company, authorized by such company, or such contractual agent, to issue or countersign binders or policies in behalf of such title insurance company shall be licensed.

III. Nothing herein shall be construed to require the licensing of an attorney at law in good standing and admitted to practice before the supreme court of New Hampshire for the purpose of an examination of title and report of title thereon to a title insurance company upon which such title insurance company may issue a policy of title insurance.

IV. The commissioner of insurance may require such examination of applicants for licenses as title insurance agents as he shall consider necessary to carry out the purposes of this chapter.

Amend RSA 416-A as inserted by section 1 of the bill by adding after section 18 the following new sections:

416-A:19 Fees. The commissioner of insurance shall collect whatever fees he may establish by rule or regulation, provided however, said fees bear a reasonable relationship to the cost of administering the provisions of this chapter.

416-A:20 Examination, Exception. The commissioner shall waive the requirement of such examination in the following cases:

I. Nonresident applicants who are licensed as title insurance agents in the states in which they reside, or if no license is required in said states, then nonresident applicants who have engaged in the business of title insurance for a period of six months:

II. Residents of the state who (a) have been engaged in the business of title insurance prior to the effective date of this act or (b) prove to the commissioner that they have passed a course on insurance conducted by an insurance company or an educational institution which course the commissioner has approved;

III. Attorneys-at-law.

416-A:21 Rules and Regulations. The commissioner may make reasonable rules and regulations necessary to affect the purposes of this chapter.

Amendment adopted.

Ordered to third reading.

#### **HB 443**

increasing the debt limit for school construction in the town of Bedford. Ought to pass. Rep. Abbott for Education.

Title self-explanatory.

Ordered to third reading.

#### **HJR 23**

establishing a committee to study the problem of excessive noise levels and to recommend legislation pertaining thereto. Inexpedient to legislate. Rep. Colburn for Environmental Quality and Agriculture.

Not a priority problem at this time.

Resolution adopted.

#### **HB 346**

providing group hospitalization, hospital medical care, surgical care, other medical and surgical benefits and dental care for state employees and members of the general court and making an appropriation therefor. Inexpedient to legislate. Rep. S. Clark for Executive Departments and Administration.

A more modest version of this proposal has been sent to appropriations.

Resolution adopted.

#### **HB 361**

providing for overtime pay for classified employees of the state liquor commission and making an appropriation therefor.

Ought to pass. Rep. Moran for Executive Departments and Administration.

Referred to Appropriations

**HB 365**

establishing the salary of the state entomologist. Ought to pass. Rep. S. Clark for Executive Departments and Administration.

Housekeeping bill clearing up problem when state entomologist became full time employee.

Referred to Appropriations.

**HB 395**

providing overtime pay for classified state employees and making an appropriation therefor. Inexpedient to legislate. Rep. Moran for Executive Departments and Administration.

Does not cover all employees. Insufficient funds and information available to make a determination in committee.

Resolution adopted.

**HB 396**

establishing the salary grades of certain social workers. Inexpedient to legislate. Rep. S. Clark for Executive Departments and Administration.

Would open door to a flood of bills asking the legislature to change classifications. Basic problem felt not classification but money.

Rep. Raiche moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

Rep. McDonough spoke in favor of the motion.

Reps. Shirley Clark, Drake, MacDonald and James O'Neil spoke against the motion.

(Discussion)

Motion lost.

Resolution adopted.

The Speaker called for the Special Order for 11:01 on

**HB 27**

to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor. Ought to pass with amendment. Rep. Urie for Resources, Recreation and Development.

Rep. Urie explained the amendment.

(discussion)

**RECESS****AFTER RECESS**

The question now being on the adoption of the amendment to HB 27.

Rep. D'Amante moved that the words, inexpedient to legislate be substituted for the Committee report, ought to pass with amendment, and spoke in favor of his motion.

Rep. Hardy spoke in favor of the motion.

Rep. Elmer Smith spoke against the motion.

Reps. Daloz, Claflin and Mayhew spoke against the motion.

Rep. Bednar spoke in favor of the motion.

Rep. Mallat moved the previous question; sufficiently seconded.

The question now being on the motion by Rep. D'Amante that HB 27 be inexpedient to legislate.

Rep. Sears requested a division.

209 having voted in the affirmative and 68 in the negative, the motion was adopted.

**HB 398**

providing for the purchase of state employee's uniforms by the state and making an appropriation therefor. Inexpedient to legislate. Rep. S. Clark for Executive Departments and Administration.

Should be some uniform determination of what should be provided and under what conditions. Committee felt other bills carrying an appropriation should have priority.

Rep. McDonough moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

Reps. Shirley Clark and MacDonald spoke against the motion.

(discussion)

Motion lost.

Resolution adopted.

#### **HB 431**

providing additional cost of living retirement allowances for state employees who retired subsequent to July 1, 1961 and prior to January 1, 1968 and making an appropriation therefor. Ought to pass. Rep. S. Clark for Executive Departments and Administration.

Continuing appropriation for cost of living increases granted each legislative session.

Referred to Appropriations.

#### **HB 262**

providing that only male deer can be taken in each odd year. Inexpedient to legislate. Rep. Maynard for Fish and Game.

Keeps present deer law as is. Bill would have put in a buck law every other year.

Resolution adopted.

#### **HB 301**

limiting the hours when snow traveling vehicles transporting firearms may be used during the deer hunting season. Ought to pass with amendment. Rep. Oswell for Fish and Game.

Limiting the hours when snow traveling, all terrain vehicles or mini bikes may be used during the deer hunting season.

Rep. Boucher moved that HB 301 be recommitted to the Committee.

Rep. Hayes spoke in favor of the motion.

Adopted.

### **HB 302**

relative to injury to domestic ducks or fowl by hunters. Ought to pass with amendment. Rep. Stimmell for Fish and Game.

Adds domestic ducks and fowl to existing law.

### **AMENDMENT**

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 Ducks and Fowl Included. Amend RSA 207:39-a (supp) as inserted by 1965, 179:1 by striking out said section and inserting in place thereof the following: 207:39-a Shooting Domestic Animals. Any person, while actually engaged in hunting or the pursuit of wild animals or wild birds, causing death, injury or damage to domestic animals, ducks or fowl shall be liable to the owner therefor. Any person, while actually engaged in hunting or in pursuit of wild animals or wild birds who shall cause death, injury or damage to such domestic animals, ducks or fowl through the discharge of a firearm or bow and arrow shall have his license to hunt revoked and he shall not be granted a license to hunt for a period not to exceed five years. The provisions of this section shall not apply to a hunter killing or injuring his own or a borrowed animal or one used by another member of the same hunting party, other than being liable to the owner therefor, nor shall they apply to a hunter killing or injuring a domestic animal "gone wild". The director of the fish and game department shall be empowered to make such revocation and suspension of the privilege of obtaining a license and determine the term of such suspension when, in his opinion, reasonable evidence of a violation of the provisions of this statute exist.

Amendment adopted.

Ordered to third reading.

**HB 317**

increasing fines for commercial fishing violations and to provide for confiscation of fishing gear. Ought to pass. Rep. Maynard for Fish and Game.

Increasing fines for commercial fishing violations and to provide for confiscation of fishing gear.

Ordered to third reading.

**HB 323**

permitting the fish and game commission to purchase a blanket bond or other protection against loss for losses incurred by license agents. Ought to pass. Rep. Huggins for Fish and Game.

Allowing the Fish and Game Commission to purchase a blanket bond or other protection against loss or losses incurred by license agents.

Referred to Appropriations.

**HB 437**

permitting members of the general court to examine certain tax files. Inexpedient to legislate. Rep. Record for Judiciary.

Would jeopardize sharing of information by federal government and would be an unwarranted invasion of privacy.

Resolution adopted.

**HB 502**

relative to confidentiality of the tax commission records of the business profits tax division. Inexpedient to legislate. Rep. Record for Judiciary.

Would jeopardize sharing of information by federal government and would be an unwarranted invasion of privacy.

Resolution adopted.

**HB 436**

permitting any member of the general court to examine certain files of state colleges, universities and vocational schools. Inexpedient to legislate. Rep. Frizzell for Judiciary.

The bill covers access to residency records. These are not kept separate from confidential records and would not be made available without an invasion of privacy.

Resolution adopted.

**SB 23**

relative to probable cause hearings. Inexpedient to legislate. Rep. D. Bradley for Judiciary.

Would erode traditional power of grand juries. Problem aimed at in bill is rare and would not necessarily be solved by bill. Habeas corpus is available for most abuses. Law enforcement officials strongly opposed.

Resolution adopted.

**HB 202**

lowering age of persons who may purchase and use alcoholic beverages to eighteen years. Inexpedient to legislate. Rep. Chasse for Liquor Laws.

Rep. Gerry Parker moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

(discussion)

Rep. Elmer Johnson spoke against the motion.

Rep. Mallat spoke in favor of the motion.

Rep. Gerry Parker requested a division.

It being manifestly in the negative, the motion lost.

Resolution adopted.

**HB 320**

authorizing the sale of liquor on any holiday. Inexpedient to legislate. Rep. Nahil for Liquor Laws.

Rep. Monier explained the committee report.

Resolution adopted.

**HJR 24**

appropriating funds to the town of Canaan in lieu of taxes on Goose Pond. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

## AMENDMENT

Amend the caption of said resolution by striking out the same and inserting in place thereof the following:

JOINT RESOLUTION  
appropriating funds to the towns of Canaan,  
Grafton, and Enfield in lieu of taxes for  
certain dam and water rights.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of three thousand two hundred fifty dollars is hereby appropriated for each fiscal year 1971, 1972, and 1973 for payment in lieu of taxes on dam and water rights on Goose Pond, to the town of Canaan.

That the sum of seven hundred fifty dollars is hereby appropriated for each fiscal year 1971, 1972, and 1973 for payment in lieu of taxes on dam and water rights on Grafton Pond, to the town of Grafton.

That the sum of four hundred fifty dollars is hereby appropriated for each fiscal year 1971, 1972, and 1973 for payment in lieu of taxes on dam and water rights on Crystal Lake and for water rights on Mascoma Lake to the town of Enfield.

The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

**HB 228**

relative to excavating, filling, mining and construction in the inland waters of the state, establishing an inland wetlands authority and making an appropriation therefor. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Consolidates all present wet land dredge and fill laws in one statute. Sets up an inland wetlands authority to administer these, and to classify inland wetlands as to their desirability for preservation. Funding to come principally

from those who now pay no town tax on their boats. Higher plate fees, town tax repealed and towns reimbursed from these plate fees.

### AMENDMENT

Amend RSA 483-B:2, II as inserted by section 1 of the act by striking out the same and inserting in place thereof the following:

II. "Inland wetland" shall mean any wetland other than those subject to the action of salt water and/or any soil designated tidal marsh by the National Cooperative Soil Survey.

Amend RSA 483-B:3 as inserted by section 1 of the act by striking out the same and inserting in place thereof the following:

483-B:3 New Hampshire Inland Wetlands Authority. There is hereby established a New Hampshire Inland Wetlands Authority consisting of the director of the office of state planning, the director of the fish and game department, the chairman of the water resources board, the director of the division of resources development and the executive director of the water supply and pollution control commission or their official designees, from their respective agencies. If a designee is appointed he should as far as practicable be continued as the member of the authority representing his department or agency. The authority shall elect a chairman from among its members who will serve at the pleasure of the authority. Three members shall constitute a quorum but an affirmative vote of a majority of all members is necessary for the approval of any project proposal.

Amend RSA 483-B:11, III as inserted by section 1 of the act by striking out the same and inserting in place thereof the following:

III. All project approvals shall contain and specify:

(a) The dates within which the project must begin and be completed, in accordance with the recommendations of the water supply and pollution control commission; and

(b) Any terms and conditions required by the water supply and pollution control commission pursuant to its authority to preserve and protect the water quality in the state.

Amend RSA 483-B:13, II as inserted by section 1 of the act by striking out the same and inserting in place thereof the following:

II. If, upon appeal of the landowner, the superior court determines that the decision appealed from so exceeds the bounds of the police power as to constitute the equivalent of a taking without compensation and that the land as so regulated meets the public purpose standards of this chapter, and if such ruling is affirmed on appeal or becomes the law of the trial by failure of the state to appeal, the superior court shall then proceed to the assessment of the landowner's damages. Unless the authority, at this stage, consents to the reversal or modification of its decision by the superior court, that court shall first determine all questions of land title, after notice to all persons interested in the land including notice by publication to any unknown owners, and then shall assess the damages of the landowner or landowners, proceeding as provided in RSA 482:25 through 28, inclusive, and RSA 481:10, II and III, and may enter judgment against the state accordingly. The interest acquired by the state by virtue of such proceedings shall be a perpetual negative easement that the privately-owned land or interest therein described in the proceedings shall not thereafter be excavated, removed, filled, dredged, canalized or ditched, subject to any such reasonable reservations to the landowner, as the authority may have stipulated to, prior to the assessment of damages. The state may, in the alternative, purchase the land or interest therein in fee simple, or other acceptable title, or subject to acceptable reservations and exceptions, by agreement with the landowner. To satisfy any judgment or purchase agreement hereunder, the governor and council, in their discretion, may draw their warrant on the fish and game fund, the inland wetlands fund, any other available appropriation therefor, or on any money in the treasury not otherwise appropriated, or any combination thereof, as they may determine to be just and reasonable, or, in the alternative, they may certify a judgment to the next session of the general court for the passage of an appropriation of money sufficient to satisfy the same. The authority may, in the name of the state, accept gifts of land or interests therein for the purposes of this chapter.

Amend RSA 483-B:13, III as inserted by section 1 of the act by striking out the same and inserting in place thereof the following:

III. The use of the fish and game fund, under paragraph II, shall require a prior finding by the fish and game commission that the expenditure will be of substantial benefit to fish and wildlife.

Amend section 4 of the bill by striking out paragraph IV thereof and renumbering paragraphs V and VI to read IV and V respectively.

Amend section 13 of the bill by striking out the first six lines and inserting in place thereof the following:

13 Distribution of Fees. Amend RSA 270 by inserting after section 6 the following new section:

270:6-a Disposition of Fees and Fines. All fees and fines collected hereunder shall be kept by the state treasurer in a special fund which shall be paid out or disposed of by him in the following manner:

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Limitation. Amend RSA 149:8-a (supp) as inserted by 1967, 254:1 by adding at the end of said section the following: (this section shall not apply to projects for which application for permits is made pursuant to RSA 483-B.) so that said section as amended shall read as follows: 149:8-a Dredging. Any person proposing to dredge, excavate, place fill, mine or undertake construction in the surface waters of the state shall be directly responsible for the submission of plans concerning such proposal to the commission at least thirty days prior to undertaking any such activity and obtain permission from the commission in writing to conduct such operations. The commission shall have full authority to establish the terms and conditions under which said permit may be exercised, giving due consideration to the circumstances involved and the purposes of this chapter. Nothing contained herein shall be construed to modify or limit the duties and authority conferred upon the water resources board and the governor and council under the provisions of RSA 482. This section shall not apply to projects for which application for permits is made pursuant to RSA 483-B.

17 Fees and Fines. Amend RSA 270:6 by striking out in lines 1 and 2 the words "All fees and fines collected hereunder, and" so that said section as amended shall read as follows: 270:6

Disposition of Revenues. All sums received from the state treasurer on account of the unrefunded motor vehicle road tolls, shall be made available to the department of safety, division of safety services for the promotion of the safety of navigation and the administration and enforcement of this chapter.

18 Effective Date. The sections of this act and particular sections of the RSA shall take effect as follows:

I. On January 1, 1972; RSA 483-B: 1 through 4 and 19 through 26 as inserted by section 1, and sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16 and 17.

II. Sixty days after passage; section 6.

III. On March 31, 1972; section 14.

IV. On June 30, 1971; section 15.

V. On July 1, 1972; RSA 483-B:5 through 18 as inserted by section 1.

(discussion)

Rep. Lambert moved the previous question; sufficiently seconded.

Adopted.

Question now being on the adoption of the committee amendment.

Amendment adopted.

Rep. Vachon requested a division and subsequently withdrew his request.

Rep. Robinson offered an amendment.

The Clerk read the amendment in full.

Rep. Robinson explained his amendment.

Rep. Kopperl spoke against the amendment.

Rep. Healy spoke in favor of the amendment.

(discussion)

Amendment lost.

Referred to Appropriations.

## RECONSIDERATION

Rep. Vachon served notice that today or some subsequent day he would ask for reconsideration of the action whereby the House adopted the amendment to HB 228, relative to excavating, filling, mining and construction in the inland waters of the state, establishing an inland wetlands authority and making an appropriation therefor.

## COMMITTEE REPORTS CONTINUED

**HB 307**

to establish community winter resource areas and making an appropriation therefor. Inexpedient to legislate. Rep. Vey for State Institutions.

Rep. Williamson moved that HB 307 be made a special order for 11:01 Tuesday.

Adopted.

**HB 313**

providing that the division of welfare shall auction off or sell by bid property owned by certain persons receiving public assistance. Inexpedient to legislate. Rep. McCarthy for State Institutions.

Existing statutes provide provisions of this bill.

Resolution adopted.

**HJR 30**

in favor of the North Conway fire department for rescue operations. Ought to pass with amendment. Rep. Bernard for State Institutions.

State obligation to reimburse authorized rescue operations.

## AMENDMENT

Amend the resolution by striking out all after the caption and inserting in place thereof the following:

*Whereas*, the North Conway fire department on November 9, 1969, November 16 and 17, 1969, and **September 26, 1970** was called upon to undertake rescue operations within Echo Lake state park (or on Cathedral Ledge and White Horse Ledge in Echo Lake state park) and

*Whereas*, said department has not been paid for the expenses thus incurred; now, therefore, be it

*Resolved by the Senate and House of Representatives in General Court convened:*

That the sum not to exceed one thousand twenty-five dollars is hereby appropriated to be paid to the North Conway fire department in full settlement for claims for expenses incurred in said rescue operations at Echo Lake state park. The governor is authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

### HB 230

requiring open vehicles to be covered when carrying particulate material. Ought to pass with amendment. Rep. Hamel for Transportation.

Amends current law to require covering of trucks with loosely packed material except in construction zones which can be established by the Commissioner of Public Works and Highways.

### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2 Operation in Construction Zone Exempted. Amend RSA 249 by inserting after paragraph IV the following new paragraph: V. The provisions of paragraph II shall not apply to the operation of highway building equipment as defined in RSA 259:1, XII and motor vehicles, used in the construction or maintenance of highways, provided that such equipment or motor vehicle is used within a highway construction zone as prescribed by the commissioner of public works and highways, provided that the operator of any such vehicle shall not thereby be relieved of his duty to exercise reasonable care.

3 Effective Date. This act shall take effect one hundred twenty days after its passage.

Rep. D'Amante moved that the words, inexpedient to leg-

islate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Hamel, Fiske, Trowbridge, Schwaner and Casassa spoke against the motion.

Rep. Merrill moved the previous question; sufficiently seconded.

Adopted.

Motion lost.

Amendment adopted.

Ordered to third reading.

### SB 51

providing for the commissioners of safety and education to devise standards for the conduct of driver education courses and to eliminate restricted instruction permits for fifteen year olds. Ought to pass with amendment. Rep. Hamel for Transportation.

Establishes that the commissioners of safety and education will set rules and regulations for driver education. Amendment eliminates the paragraph which would abolish restricted instruction permits for certain fifteen year olds.

### AMENDMENT

Amend the caption of the bill by striking out in lines two and three the words "and to eliminate restricted instruction permits for fifteen year olds." so that said caption as amended shall read as follows:

### AN ACT

providing for the commissioners of safety and education to devise standards for the conduct of driver education courses.

Amend the bill by striking out sections 4 and 5 and inserting in place thereof the following:

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

The Speaker called for HB 78, to authorize industrial development authority to provide housing for industrial workers.

Rep. James O'Neil moved that HB 78 be made a special order for 11:02 Tuesday next.

Adopted.

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Rep. Zachos requested a six day extension on HB 105, clarifying the commitment of juveniles.

Granted.

## SENATE MESSAGES

### Concurrence

HJR 1, providing additional funds for board of professional engineers.

HB 146, relative to service roads constructed by the state in conjunction with limited access to facilities.

HB 171, establishing the time of the annual public hearings relative to the powers and duties of the fish and game department.

### Acceded to Request for Committee of Conference

HB 106, to clarify the definition of subdivision.

The President appointed Senators Jacobson and Marcotte.

## INTRODUCTION OF SENATE BILL

### First, second reading & referral

SB 56, relative to the suspension of motor vehicle licenses of minors in possession of alcoholic beverages. — To Transportation.

HB 87, relative to the penalty for guiding an unlicensed hunter.

(Amendment in Senate Journal)

The Clerk read the amendment in full.

Rep. Hayes moved that the House concur in the Senate amendment.

Adopted.

## UNANIMOUS CONSENT

Rep. Conley addressed the House by unanimous consent.

Reps. Vachon and Trowbridge moved that Rep. Conley's remarks be printed in the Journal.

Adopted.

## REP. CONLEY'S REMARKS

Mr. Speaker, fellow members of the House:

I would like to share with you this morning the feeling of pleasure and excitement that occurs on the occasion of the enrollment of a freshman legislator's first bill.

It is one of those once in a lifetime happenings that should be shared by all those who have made it possible. In the House Journal of March 18 appeared the routine announcement of enrolled bills and included among them was HB 9. HB 9 in and of itself is no earth shaking piece of legislation, but represents to me the culmination of a series of events which began exactly one year to the day of the enrollment of this bill.

On March 18, 1970, I retired under somewhat difficult circumstances from my position as Executive Director of the P.R.C. a position I had held for some twelve years. Twelve years during which I had the privilege of helping to assist more than 20,000 handicapped men, women and children to find a better life for themselves, as one of them. Having thus embarked on a new way of life after so long a period of daily routine and effort one wonders about the wisdom of making such a decision.

As of March 18, 1971 and the enrollment of HB 9, there is no need to ponder the question further.

Mr. Speaker I would therefore like to take this opportunity to formally thank the members of this House of Representatives and the Senate who in their wisdom saw fit to make HB 9 a reality, and to those people in both houses who personally provided me individual guidance and consideration, a very special thanks.

Mr. Speaker in closing, I would leave with you all these words.

From a tablet located in this lobby of the Institute of Physical Medicine and Rehabilitation in New York City.

I asked God for strength, that I might achieve

I was made weak, that I might humbly learn to obey

I asked for health, that I might do greater things

I was given infirmity, that I might do better things

I asked for riches, that I might be happy

I was given poverty that I might be wise

I asked for power that I might have the praise of men

I was given weakness, that I might feel the need of God

I asked for all things, that I might enjoy life

I was given life, that I might enjoy all things

I got nothing that I asked for — but everything I had hoped for

Almost despite myself, my unspoken prayers were answered

I am among all men, most richly blessed.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

## RECONSIDERATION

Rep. Gordon, having voted with the majority, moved that the House reconsider its action whereby it killed HB 27, to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting plans and specifications, and making an appropriation therefor, and spoke against the motion.

Motion lost.

Rep. Greenwood wished to be recorded as voting against HB 230, requiring open vehicles to be covered when carrying particulate material, and HB 27, to require approval of all private sewage disposal systems, require licensed installers, establish a fee for such a license, establish fees for submitting

plans and specifications, and making an appropriation therefor.

The Speaker announced that Rep. George "Pat" Angus yesterday received an award from the Claremont Chamber of Commerce and the Claremont Junior Chamber of Commerce as the outstanding citizen of the year.

### LATE SESSION

(Rep. George Roberts in the Chair)

Third reading and final passage

HB 443, increasing the debt limit for school construction in the town of Bedford.

HB 274, providing for certain transfers in the appropriations for fiscal year 1971 for the division of vocational rehabilitation.

HB 181, to provide for the regulation of title insurance.

HB 317, increasing fines for commercial fishing violations and to provide for confiscation of fishing gear.

HB 302, relative to injury to domestic ducks or fowl by hunters.

HB 230, requiring open vehicles to be covered when carrying particulate material.

SB 51, providing for the commissioners of safety and education to devise standards for the conduct of driver education courses.

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On motion of Rep. Bennett, the House adjourned at 4:25 P.M.

*Tuesday, 30Mar71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

ALMIGHTY GOD, our Refuge and Strength, Help in time of trouble, Companion in the hour when we stand alone, Guardian of all truth. Speak to our every need, Fill our hearts with Thy joy, Help us to know Thy compassion, Grant that through Thy presence we may find strength. Amid the busy hours of each day, the quickening pace of legislative duties, help us to sense the needs of others. We would join in prayer with Rep. Marcia Rich for the speedy and successful recovery of her daughter, hospitalized by a recent auto accident. Enable us, in our concern for one another, to bear one another's burdens in prayer and share the joys of all goodly endeavors in Thy Name. Amen.

Rep. Dion led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Huot, the day, illness.

Rep. McGee, the week, illness.

Rep. Blanchette, indefinite, illness.

Rep. Senter, the week, illness in the family.

Reps. Foster, Maglaras and Armand Duhaime, today and tomorrow, important business.

Rep. Coughlin, the week, important business.

#### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 648 through 665 and House Joint Resolutions numbered 43 through 45 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

## First, second reading &amp; referral

HB 648, enacting an insurance holding company act. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 649, relative to the administration of the insurance laws. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 650, removing provisions for liens against the property of recipients of certain welfare assistance. (Haller of Merrimack Dist. 25; Lovell of Rockingham Dist. 6; Wilson of Rockingham Dist. 2 — To State Institutions.)

HB 651, clarifying tax exemptions on real estate and personal property owned by governmental bodies. (Maynard of Rockingham Dist. 24; Woods of Rockingham Dist. 28 — To Ways and Means.)

HB 652, to exclude animals from restaurants and stores that sell food. (Maguire of Belknap Dist. 12 — To Public Health and Welfare.)

HB 653, making retirement of police officers optional after twenty years of service. (Smith of Rockingham Dist. 7 — To Executive Departments and Administration.)

HB 654, relative to the associate degree programs of Keene and Plymouth state colleges. (Bell of Grafton Dist. 18; Saunders of Cheshire Dist. 14 — To Education.)

HB 655, relative to renewal of automobile insurance policies. (Burns of Coos Dist. 4 — To Banks and Insurance.)

HB 656, to provide for the regulation of temporary barbers' licenses. (Vogel of Cheshire Dist. 13 — To Executive Departments and Administration.)

HB 657, requiring snow treaded tires between December first and March thirty-first on motor vehicles registered in this state. (Boisvert of Hillsborough Dist. 33 — For the Judicial Council — To Transportation.)

HB 658, relative to anatomical gifts. (Bennett of Cheshire Dist. 9 — To Judiciary.)

HB 659, increasing the penalties for certain motor vehicle

violations. (Daniels of Hillsborough Dist. 27; Humphrey of Merrimack Dist. 18 — To Judiciary.)

HB 660, requiring certain district courts to hold regular sessions in certain towns within their district. (Zachos of Hillsborough Dist. 27 — For the Judicial Council — To Judiciary.)

HB 661, repealing the urine test under the implied consent law. (Healy of Hillsborough Dist. 32 — For the Judicial Council — To Judiciary.)

HB 662, relative to extending the jurisdiction of local police by consent. (Andrews of Merrimack Dist. 1 — For the Judicial Council — To Judiciary.)

HB 663, adopting the uniform act on paternity. (Oleson of Coos Dist. 5 — For the Judicial Council — To Judiciary.)

HB 664, providing procedural amendments to the search warrant statute. (Sayer of Rockingham Dist. 7 — For the Judicial Council — To Judiciary.)

HB 665, relative to the administration of small estates. (Frizzell of Sullivan Dist. 7 — For the Judicial Council — To Judiciary.)

HJR 43, providing for a visitors' center in the state house. (Williamson of Sullivan Dist. 9 — To Executive Departments and Administration.)

HJR 44, to establish an interim committee to study the adoption laws, and making an appropriation therefor. (Monier of Hillsborough Dist. 4 — For the Judicial Council — To Judiciary.)

HJR 45, establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor. (Clark of Strafford Dist. 4 — For the Judicial Council — To Executive Departments and Administration.)

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Rep. Gordon requested a quorum count.

242 members having answered, a quorum was present.

## COMMITTEE REPORTS

**HB 517**

relative to the name of cooperative banks, building and loan associations or savings and loan associations. Ought to pass. Rep. Lamy for Banks and Insurance.

Adding the names of a group that were left out when the law was passed in 1969.

Ordered to third reading.

**HJR 31**

providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention. Ought to pass. Rep. Russell Chase for Constitutional Revision.

Ordered to third reading.

**HB 283**

clarifying the authority of school boards in managing school affairs. Inexpedient to legislate. Rep. Boucher for Education.

Inexpedient to legislate because of previous legislation, already existing, which covers the situation.

Rep. Lawton moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

The Clerk read the amendment in full.

Rep. Lawton explained his amendment.

Rep. Clyde Eaton spoke in favor of the motion.

Reps. Boucher, David Bradley and James O'Neil spoke against the motion.

(discussion)

Motion lost.

Resolution adopted.

**HB 284**

providing that one half of the membership of any public school building committee shall be chosen by the selectmen of the school district. Inexpedient to legislate. Rep. Abbott for Education.

The committee unanimously believes that school matters are the statutory responsibility of elected school boards and that taxpayers have strong control over new construction because the present law requires a two-thirds vote for the purchase bonds.

Resolution adopted.

**HB 441**

to support a continuing program in drug education in the elementary and secondary schools of New Hampshire and making an appropriation therefor. Ought to pass. Rep. Charles Roberts for Education.

Referred to Appropriations.

**HB 367**

providing additional retirement allowances for certain retired teachers and making an appropriation therefor. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Updating retirement for teachers retiring under old system. Similar legislation passed every two years.

Referred to Appropriations.

**HB 372**

relative to the policemen's retirement system. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Changes present retirement requirement of 25 years service and age to 50 to just 25 years service. No cost to state or municipalities.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Payments for Benefits. In order to provide the additional funds necessary to meet the additional benefits for policemen provided by this act, the board of trustees of the New Hampshire retirement system is hereby directed to increase the contribution made by each member of the New Hampshire policemen's retirement system by an amount equal to one half of one

percent of the assessable payroll for said member. The state or other employer shall not be required to make any contributions for said additional benefits.

Amendment adopted.

Referred to Appropriations.

**HB 409**

increasing the additional retirement allowances for state employees who retired prior to July 1, 1961 and making appropriation therefor. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

This legislation passed every two years.

Referred to Appropriations.

**HB 410**

providing additional retirement allowances for state police who retired subsequent to July 1, 1961 and prior to January 1, 1968 and making an appropriation therefor. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Brings police retirement allowances in line with other systems.

(discussion)

Referred to Appropriations.

**HB 427**

providing for and increasing the additional retirement allowances for state police who retired prior to July 1, 1961 and making an appropriation therefor. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Brings police retirement allowances in line with other systems.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 New Hampshire Police Retirement System. Amend RSA 103 by inserting after section 14 (supp) the following new sec-

tion: 103:14-a Allowances for Beneficiaries of the Police Retirement System. Any state police beneficiary who has retired prior to July 1, 1961 and who is in receipt of a retirement allowance on January 1, 1972 and who retired under the police retirement system shall beginning with the month of January, 1972 and monthly thereafter, but not beyond the month of December, 1972, have his allowance increased by thirteen percent. If the beneficiary of a retired member who retired prior to July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1972, the beneficiary shall be paid beginning with the month of January, 1972 and monthly thereafter but not beyond the month of December, 1972, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1972, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1971 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1972 to December 31, 1972. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

Amendment adopted.

Referred to Appropriations.

## HB 322

relative to dogs pursuing game. Ought to pass. Rep. Varrill for Fish and Game.

Adds police officer or dog constable to RSA 466:36 so said officers can kill dogs found maiming or killing wild game or cattle.

Ordered to third reading.

**HB 413**

providing that any person assessed and having paid a real property tax shall pay the same fish and game licensing fees as residents. Inexpedient to legislate. Rep. George L. Cheney for Fish and Game.

Would have given a non-resident the right to purchase a resident license.

Resolution adopted.

**HB 414**

establishing separate license requirements for hunting game birds. Inexpedient to legislate. Rep. Randall for Fish and Game.

Would have provided separate licenses for hunting game birds.

Resolution adopted.

**HB 444**

providing an open season on fisher cats. Inexpedient to legislate. Rep. McCuin for Fish and Game.

Covered by HB 282.

Rep. Hardy spoke in favor of the Committee Report.

Resolution adopted.

**HB 415**

to establish a permanent governor's committee on children and youth and making an appropriation therefor. Inexpedient to legislate. Rep. Merrill for Labor.

Withdrawn at request of sponsor in favor of HB 435.

Resolution adopted.

**HB 378**

to create community rehabilitation facility programs and making an appropriation therefor. Ought to pass. Rep. McDonough for Labor.

Referred to Appropriations.

**HB 200**

to establish a state liquor store in West Lebanon, and making an appropriation therefor. Inexpedient to legislate. Rep. Peter Cote for Liquor Laws.

The House Liquor Committee feels strongly that the facility of this location will be beneficial. However, at this time, the committee would recommend that the Liquor Commission bring back to the next legislative session more data as to the volume of traffic and revenue potential for this location. The Liquor Commission is instructed to report back other appropriate data in the 1973 session.

Rep. Merrill moved that HB 200 be made a Special Order for 11:01 Tuesday next and spoke in favor of the motion.

Adopted.

### **HB 330**

relative to the sale of bottled liquor. Inexpedient to legislate. Rep. Nahil for Liquor Laws.

Resolution adopted.

### **HB 484**

providing that cities and towns shall establish the location of liquor stores in their confines. Inexpedient to legislate. Rep. Grady for Liquor Laws.

(Deputy Speaker in the Chair)

Rep. Schwaner moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Collishaw spoke against the motion.

(discussion)

(Speaker in the Chair)

Rep. Schwaner spoke a second time in favor of the motion.

Rep. Elmer Johnson requested a division.

The vote being manifestly in the negative, the motion failed.

Resolution adopted.

### **SB 25**

modifying the requirements for membership on a municipal budget committee. Ought to pass with amendment. Rep. Little for Municipal and County Government.

## AMENDMENT

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 Membership. Amend RSA 32:2 by striking out said section and inserting in place thereof the following: 32:2 Budget Committee. The budget committee shall consist of five, seven, nine or eleven members-at-large as the meeting adopting the provisions hereof shall by vote determine, and one ex-officio member chosen by the school board of each school district wholly within said town, and one ex-officio member of the board of commissioners of each village district wholly within said town to be designated by said board, and one ex-officio member of the board of selectmen to be designated by said board. The members-at-large may either be appointed by the moderator or elected by the town meeting as any annual meeting may by vote determine, under a proper article in the warrant for said meeting, provided, however, that no selectman, town manager, member of the school board or village district commissioner shall serve as a member-at-large. A chairman, vice-chairman and clerk shall be elected by the budget committee from said members-at-large at the first meeting of the budget committee. If said members-at-large are elected at the town meeting it shall be by majority vote by ballot or acclamation of those present and voting, except as provided in section 3. Where said members-at-large are appointive such appointments shall be made within thirty days after the annual town meeting. One third of the members-at-large shall hold office for one year, one third for two years, and one third for three years and until their successors are elected or appointed and qualified. Vacancies in the membership-at-large shall be filled by appointment by the moderator and such appointment shall be made within five days from the creation of the vacancy. Such appointees shall hold office until the next annual town meeting. The members selected by the school board, the village district commissioners and the selectmen shall be non-voting ex-officio members and shall hold office for one year and until their successors are qualified.

2 Effective Date. This act shall take effect sixty days after its passage.

At the request of Rep. Greene, Rep. Hanson explained the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

**HB 426**

clarifying the powers of assistant moderators to administer oaths. Ought to pass. Rep. Burleigh for Statutory Revision.

Permits assistant moderators to administer oaths to election officials.

Ordered to third reading.

**HB 490**

relative to the New Hampshire annual conference of the Methodist Church. Ought to pass. Rep. Altman for Statutory Revision.

Changing name to Trustees of the New Hampshire Annual Conference of the United Methodist Church.

Ordered to third reading.

**SB 45**

relative to the purposes of issuance of bonds or notes. Ought to pass. Rep. Burleigh for Statutory Revision.

Authorizes towns and cities to issue bonds of finance planning costs and municipal public improvements of a permanent nature.

Ordered to third reading.

**HB 130**

increasing the salary of the Strafford county sheriff. Inexpedient to legislate. Rep. Shirley Clark for Strafford County Delegation.

Covered by other legislation.

Resolution adopted.

**HB 397**

increasing the registration fee for motor vehicles, boats and snow traveling vehicles. Inexpedient to legislate. Rep. Hamel for Transportation.

Reported inexpedient at sponsor's request. Another bill to increase fees being prepared (LSR 1290).

Resolution adopted.

**HB 407**

to clarify the aircraft operating fee formula. Ought to pass. Rep. Hamel for Transportation.

Allows the fee to be calculated on the nearest even thousand dollars. The difference will be a maximum of 30 cents and will reduce inaccuracies.

Ordered to third reading.

**HB 420**

making an appropriation for the purchase of an aircraft for use by departments and agencies of the state. Inexpedient to legislate. Rep. Hamel for Transportation.

Committee did not feel that an expenditure for an Aeronautics Commission airplane is justified at this time.

Resolution adopted.

**HB 452**

relative to federal aid for airport and airway development. Ought to pass. Rep. Hamel for Transportation.

Amends our RSA so it will conform with the Federal Airports and Airways Development Act of 1970.

Ordered to third reading.

**HB 454**

amending the definition of an air navigation facility. Ought to pass. Rep. Hamel for Transportation.

Rewrites the RSA definition of "air navigation facility" so that fewer opinions from the Attorney General will be needed to understand it.

Ordered to third reading.

**HB 474**

authorizing additional reimbursement for state employees who are required to haul state owned property in trailer behind their privately owned vehicles. Inexpedient to legislate. Rep. Hamel for Transportation.

Reported inexpedient at request of sponsor. Subject covered by previous legislation.

Resolution adopted.

Rep. Hanson moved to vacate reference of HB 634, authorizing the Hampton School District to increase the size of its school board to five members, from the committee on Municipal and County Government and refer to Education.

Adopted.

Rep. Hamel moved to vacate reference of HB 657, requiring snow treaded tires between December first and March thirty-first on motor vehicles registered in this state, from the committee on Judiciary and refer to Transportation.

Adopted.

## BILLS PLACED ON CALENDAR UNDER RULE 57

### Due for Report and Not Reported:

#### Executive Departments and Administration

HB 15, relative to the practice of public accountancy and making an appropriation therefor.

#### Merrimack Delegation

HB 296, to raise the daily compensation of members of the Merrimack county convention.

Placed on calendar for April 6.

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Rep. Claffin moved that HB 78, to authorize Industrial Development Authority to provide housing for industrial workers, be made a special order for 11:01 April 13.

Adopted.

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Rep. Roma Spaulding requested a six day extension on HB 240, designating abortion as a legal medical procedure under certain conditions, HB 252, permitting abortion under certain circumstances, and HB 239, permitting abortion in certain cases.

Granted.

Rep. Hayes requested a six day extension on HB 348, enabling the department of Fish and Game to recover damages

for loss of fish, other aquatic life, wildlife or their habitat due to water pollution.

Granted.

Rep. Russell Chase requested a six day extension on HB 251, providing that the provisions of the constitution of New Hampshire shall establish the age for voters.

Granted.

### COMMITTEE REPORTS CONTINUED

#### HB 387

extending the time within which pari-mutuel pools may be sold. Ought to pass. Rep. Lawton for Statutory Revision.

This bill extends the time within which pari-mutuel pools may be sold until 1991. The committee felt that this extension of time would allow the race track to obtain better financing for capital improvements.

Reps. Robert O'Neil and Belair offered the following amendment.

#### AMENDMENT

Amend the bill by striking section 2 and inserting in place thereof the following new sections:

2 Fees for Race Meets in Excess of Eight Days. Amend RSA 284:23 IV as amended by 1955, 74:2; 1957, 122:2 and 1959, 181:4 by striking out in line three the words "three hundred dollars" and inserting in place thereof (five cents for each person in attendance or three hundred dollars, whichever is greater,) so that said paragraph as amended shall read as follows: IV. Each person, association or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located the sum of five cents for each person in attendance or three hundred dollars, whichever is greater, for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for eight days or less, the said per diem fee shall be determined by the commission.

3 Effective Date. This act shall take effect sixty days after its passage.

The Clerk read the amendment in full.

Rep. Robert O'Neil explained his amendment.

Rep. James O'Neil moved that the bill and amendment be made a special order for 11:01 Wednesday.

Adopted.

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Reps. George Roberts and Cares moved that House Rule 58 be so far suspended as to extend the time for reporting of bills and resolutions containing appropriations, by committees other than the Appropriations committee, to on or before Thursday, April 22nd.

Rep. Drake explained the amendment.

Adopted by the necessary two-thirds vote.

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The Speaker called for the committee report on

**HB 435**

establishing a state department of children and youth services, and making an appropriation therefor. Inexpedient to legislate. Rep. Dion for Labor.

The majority of the committee felt that they did not want to establish a new state department at this time. There will be no minority report.

Rep. Merrill moved that HB 435 be recommitted to committee on Labor, Human Resources and Rehabilitation.

Adopted.

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The Speaker called for Special Order for 11:01 on

**HB 307**

to establish community winter resource areas and making an appropriation therefor. Inexpedient to legislate.

Rep. Robinson moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Cleon Heald explained the committee report.

Reps. Coutermarsh and Williamson spoke in favor of the motion.

Rep. Coburn moved the previous question; sufficiently seconded.

Adopted.

Question being on the motion to substitute, ought to pass, for committee report, inexpedient to legislate.

Motion lost.

Resolution adopted.

### RECONSIDERATION

Rep. Lagroe, having voted with the majority, moved that the House reconsider its action whereby it passed HB 211, to provide for treatment of minors for drug abuse without parental consent, and spoke in favor of his motion.

(Deputy Speaker in Chair)

Reps. Underwood, Philip Smith and Zachos spoke against the motion.

Reps. Brummer and Webster spoke in favor of the motion.

(discussion)

Rep. Russell Chase moved the previous question; sufficiently seconded.

Adopted.

Question now being on the motion to reconsider HB 211.

Motion lost.

The Appropriations Committee, Concord Legislative Delegation and Merrimack County Delegation offered the following resolutions:

### RESOLUTIONS

*Whereas*, we have learned with sorrow of the passing of Annie York, wife of Representative Edward H York of Concord, therefore be it

*Resolved*, that we, the members of the New Hampshire House of Representatives in General Court convened, do hereby extend our sincere sympathy to Representative York in his loss, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to Representative York.

\* \* \*

Unanimously adopted.

On motion of Rep. George Roberts the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

#### LATE SESSION

Third reading and passage by the House

SB 25, modifying the requirements for membership on a municipal budget committee.

#### RECONSIDERATION

Rep. Allen, having voted with the majority, moved that the House reconsider its action whereby it passed SB 25 and spoke against the motion.

Motion lost.

HB 517, relative to the name of cooperative banks, building and loan associations or savings and loan associations.

HJR 31, providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention.

HB 322, relative to dogs pursuing game.

HB 426, clarifying the powers of assistant moderators to administer oaths.

HB 490, relative to the New Hampshire annual conference of the Methodist Church.

SB 45, relative to the purposes of issuance of bonds or notes.

HB 407, to clarify the aircraft operating fee formula.

HB 452, relative to federal aid for airport and airway development.

HB 454, amending the definition of an air navigation facility.

On motion of Rep. Nighswander the House adjourned at 2:29 p.m.

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### *Wednesday, 31Mar71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Into Thy Hands, O GOD, we commend ourselves and all who are dear to us this day. Fulfill Thy promise to be near us in moments of confusion and discouragement, let neither cynicism nor optimism blind us. As this day brings forth the demand for decisions from each of us, grant us Thy Spirit of Truth that is sharper than a two-edged sword — that we may see the right and the wrong, the right in the wrong and the wrong in the right, that we may travel the way that is pleasing to Thee. We ask wisdom for our leaders and for ourselves as we tackle the issues and problems of today. Give us courage to do what must be done — in Thy name we pray. Amen.

Rep. Robert O'Neil led the pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Collishaw, the day, death in family.

Rep. McCarthy, the day, illness.

Rep. Hayes, today and tomorrow, important business.

#### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 666 through 672 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 666, permitting eighteen year olds to entertain in lounges and dining rooms. (Raiche of Hillsborough Dist. 34 — To Liquor Laws.)

HB 667, relative to collective bargaining by public employees of any political or civil subdivision of the state. (Abbott of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 668, clarifying the ownership of inter-tidal lands. (Greene of Rockingham Dist. 22 — To the Joint Committee on Resources, Recreation and Development & Environmental Quality and Agriculture.)

HB 669, to eliminate the blood test requirement for barbers and hairdressers. (Cares of Hillsborough Dist. 24 — To Public Health and Welfare.)

HB 670, to permit use by towns and cities of property acquired by tax collector's deed. (Bowles of Rockingham Dist. 27 — To Municipal and County Government.)

HB 671, to provide for historic districts in towns without zoning. (Bowles of Rockingham Dist. 27 — To Municipal and County Government.)

HB 672, requiring the disclosure of gasoline octane rating. (Chase of Sullivan Dist. 2 — To Environmental Quality and Agriculture.)

## SENATE MESSAGE

### INTRODUCTION OF CACR & SCR

CACR 15, Relating to: The Trial of Crimes.

Providing That: District Courts May Try Crimes Committed in a County Other than the County Where the Court Sits. Constitutional Revision.

SCR 2, Pertaining to the study of the Criminal Code and the Uniform Consumer Credit Code. Judiciary.

### ENROLLED BILLS REPORT

HB 16, permitting charitable organizations to hold raffles.

HB 49, relative to the unauthorized removal of national or state flags while they are on display.

HB 137, relative to absentee voting by members of armed services.

HB 146, relative to service roads constructed by the state in conjunction with limited access facilities.

HB 171, establishing the time of the annual public hearing relative to the powers and duties of the fish and game department.

SB 8, providing that encumbered appropriations of tolls collected on Central New Hampshire Turnpike shall not lapse until the object thereof is accomplished.

SB 9, providing that encumbered appropriation of tolls collected on Eastern New Hampshire Turnpike shall not lapse until the object thereof is accomplished.

SB 42, increasing the membership of the commission advisory to the commissioner of resources and development and making the commissioner of public works and highways a member.

HJR 1, providing additional funds for board of professional engineers.

Roxie A. Forbes  
For The Committee.

### ENROLLED BILLS AMENDMENT

HB 87, relative to the penalty for guiding an unlicensed hunter. Ought to pass with amendment. Rep. Forbes for the Committee on Enrolled Bills.

### AMENDMENT

Amend section 1 of the bill by striking out lines two, three and four and inserting in place thereof the following:

29:2 and 1969, 8:1 by striking out said section and inserting in place thereof the following:

The clerk read the amendment in full.

Amendment adopted.

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Rep. Bowles requested a six day extension on HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

Granted.

## BILLS PLACED ON CALENDAR UNDER RULE 57

### Bills Due for Report and Not Reported:

#### Public Works

HB 119, relative to making improvements to the central New Hampshire turnpike and making an appropriation therefor.

#### Judiciary

HB 180, relative to district courts.

Placed on the Calendar for April 7.

## COMMITTEE REPORTS

### HB 104

to provide life insurance for national guardsmen while on active state duty. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Life Insurance. Amend RSA 110-A:8 as amended by 1957, 147:1 by inserting after paragraph II the following new paragraph: III. The adjutant general is authorized and empowered, subject to the approval of the governor and council, to contract with any person or private or public agency to provide group life insurance coverage for members of the national guard, while on active state duty, within the limits of appropriations made for other personnel services, national guard.

2 Effective Date. This act shall take effect immediately upon its passage.

Amendment adopted.

Ordered to third reading.

### **SB 5**

providing payment to persons for loss of existing mortgage financing where such persons are displaced as a result of highway activities. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

Rep. Gordon requested a quorum count.

272 members having answered, a quorum was present.

### **UNANIMOUS CONSENT**

Reps. Drabinowicz, Levy, Bednar, Brungot, Coutermarsh and Barker addressed the House by unanimous consent.

Rep. Raiche moved that Rep. Levy's remarks be printed in the Journal.

Adopted.

Thank you, Mr. Speaker.

I asked permission to address the House because this matter of quorum count has disturbed me and I am sure it has disturbed many of you. Mr. Gordon who has requested the quorum count day after day, is well within his rights to do so. However, I think that we are responsible legislators here, and as the representative who just preceded me said, it doesn't make sense to take a quorum count and then excuse the legislators. However, we do operate under a rule here in which we have a consent calendar, and I am sure that if there is not a quorum in the Hall, it is by the consent of the legislators that whatever is going on in the Hall, they are aware of, and, by consent, they are letting the other legislators here carry on the business while we carry on very serious business in committees.

Now, what is happening in this quorum count is that the image of the legislators here is being damaged in the public's eye. In committee, where we do much of our work and I am sure you are aware of it, we are holding public hearings and it certainly is Mr. Gordon's prerogative or anyone else's prerogative to call for a quorum count on any issue which is important for

which he feels that the whole legislature should be together here. On the other hand, if we are going to continually, day after day have quorum counts just to prove a point here, we are going to have a problem with our image and with the work we are doing in committee. First of all, many people travel many miles to appear before our committees to testify. In the midst of this testimony, we have to then leave in mass to cover a quorum count, and in my personal opinion, this type of demonstration day after day does not show us to be the responsible legislators that we are.

The other subject which I would like to discuss at the same time, is this — that it is breaking our trend of thought in committee. I am sure that you recognize the fact that as we sit in committee and we are asking questions of those people who testify. If in the midst of this testimony, we then have to leave and then come back a half or three quarters of an hour later, I am sure that most of you recognize the fact that we have disrupted our trend of thought. I hope that these people who are demanding that we have a quorum count to prove a point will consider all of the things that I have said here and will reconsider these actions in the future. Thank you.

Rep. Healy requested the Speaker's ruling relative to quorum counts to be printed in the Journal.

Granted.

The following are pertinent paragraphs from Mason's Rules of Legislative Procedure.

#### **Sec. 501. Computing a Quorum**

1. The total membership of a body is to be taken as the basis for computing a quorum, but when there is a vacancy, unless a special provision is applicable, a quorum will consist of the majority of the members remaining qualified.

#### **Sec. 502. Who May Be Counted in Determining a Quorum**

2. Every member entitled to vote should be counted in determining whether a quorum is present, but members disqualified on account of interest from voting on any question cannot be counted for the purpose of making a quorum to act on that question.

4. Where the presiding officer is a member of the body, he is to be counted in determining a quorum. When he is not a

member he is not to be counted, even though he may vote in case of a tie.

### **Sec. 503. Members Present Constitute the Quorum**

1. A quorum is determined by the number of members present, not by the number voting. The fact of a quorum is not dependent upon the number who participate in the proceedings and vote. If the number necessary to make a quorum is present, it makes no difference how many or how few actually participate in the discussion.

2. The presiding officer may count the members present in order to determine a quorum and is not bound by the number voting. The fact that less than a quorum vote does not raise a presumption that no quorum is present, but a quorum is presumed to be present until the absence of a quorum is determined.

3. It has been ruled in Congress and in Parliament that the presiding officer's count as to the number of members present is final and may not be verified, but that a call of the house on such an occasion would still be in order.

7. When a quorum is present the general rule is that a proposition may be carried by a majority of those voting or by any number, greater than a majority, that may be required by law.

### **Sec. 504. Question of No Quorum**

1. When a body has convened with a quorum present, it can continue to transact business as long as a quorum is present and it is presumed that the quorum continues to be present until the question of no quorum is raised or the lack of a quorum is disclosed by a vote.

2. Where a roll call shows that there was a quorum for the transaction of business but the roll call on a particular proposition discloses that less than a quorum voted, it will not be presumed that a quorum was not present at the time the vote was taken. When it appears that a quorum is present, and it does not appear from the records that a recess has taken place, it will be presumed that a quorum continued to be present.

3. Where the Constitution or other controlling provision has prescribed no method for the determination of a

quorum, it is within the power of the body to prescribe any method which shall be reasonably appropriate to ascertain the fact.

4. Whenever it is observed that a quorum is not present, any member may call for the house to be counted and if found deficient, business will be suspended.

5. The suggestion of no quorum by a member is a question of order and is therefore in order at any time. The practice in governmental bodies is to permit a question of no quorum to interrupt a speech.

6. When a member desires to call attention to the fact that no quorum is present, he should arise and address the presiding officer and without waiting to be recognized say, "I suggest the absence of a quorum." The presiding officer may then count the members or he may assume the responsibility of declaring a quorum present, or not present, without a count.

7. The question of no quorum is decided by the presiding officer as any other point of order, and is subject to appeal in the same manner.

8. The point of order that no quorum is present may not be withdrawn after the absence of a quorum has been ascertained and announced by the presiding officer.

#### **Sec. 505. Procedure on Absence of a Quorum**

5. When a roll call has been interrupted by the absence of a quorum, the first business, when the quorum is secured, is to proceed with the roll call which was interrupted by the lack of a quorum.

8. When the journal shows a quorum present, it will be presumed that a quorum continues to be present unless that presumption is contradicted by the journal itself.

9. Debate may continue in the absence of a quorum unless some member raises that point. A member speaking is entitled to insist on the presence of a quorum.

**Constitution of N. H., Part II, [Art.] 20th. [Quorum, What Constitutes.]** A majority of the members of the house of representatives shall be a quorum for doing business: But when less than two-thirds of the representatives elected shall be present, the assent of two-thirds of those members shall be necessary to render their acts and proceedings valid.

Rep. Barker moved that, on a trial basis, the House convene on Tuesday and Wednesdays at 1:00 o'clock and on Thursdays at 11:00 o'clock.

Reps. Trowbridge and Gordon spoke in favor of the motion.

Adopted.

### SENATE MESSAGE

Concurrence with amendment on

HB 126, extending the good samaritan law to certain rescue and ambulance squads.

(See Permanent Senate Journal for Amendment.)

Rep. Zachos moved that the House non-concur in the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Trowbridge, Cate and Theriault.

### COMMITTEE REPORTS CONTINUED

#### HB 185

establishing a school district reorganization commission and making an appropriation therefor. Ought to pass with amendment. Rep. Van Loan for Education.

Provides a commission of eight members appointed from the legislature and the public to study school district and supervisory union reorganization.

### AMENDMENT

Amend the bill by striking out sections 2, 4, 5 and 6 by inserting in place thereof the following:

2 Duties. The school district reorganization commission shall develop a master plan for school district reorganization and a master plan for supervisory union reorganization over the entire state. Each school district shall be composed so as to promote efficiency in school administration and improve the educational opportunities of the school children of the state. The commission shall submit the master plans to the state board of education on or before October 1, 1972. The plans shall be in writing and shall include charts, maps and statistical in-

formation necessary to document properly the plans for the proposed reorganized school districts or for the proposed reorganized supervisory union.

### 3 Use of Funds; Hearings.

I. The school district reorganization commission may expend the funds and employ the personnel, including professional consultants from within or without the state, necessary to assist it in carrying out the duties imposed upon it by this act.

II. The commission may hold the meetings within and without the state, and the public hearings within the state that it deems necessary to the accomplishment of its objective. Public hearings shall be held in each supervisory union district of this state and all school districts under consideration shall be notified of said hearing. The notice shall be mailed to all school administrators and board members of area under consideration.

4 Reports and Recommendations. On receiving the plans from the commission, the state board of education shall consider same, may hold such public hearings as it may desire in connection therewith, and shall submit to the general court on or before January 15, 1973, all reports, data and recommendations received by it from the commission, along with the state board's specific legislative recommendations as to how best such reorganization plans might be implemented.

5 Effect of Master Plans. The master plans submitted by the commission and recommendations of the state board of education shall be advisory only.

6 Effect on New Districts and Unions Being Organized. On the effective date of this act all proceedings of whatsoever nature in school districts and unions throughout the state to organize new districts or unions pursuant to or growing out of RSA 195 or any other RSA shall continue to fruition or until June 30, 1972, however, no new action shall be commenced pursuant to such sections until after the state plans developed by the school district reorganization commission have been submitted to the state board of education and, with its recommendations, transmitted to the general court but, in no event, **until after October 15, 1973.**

At the request of Rep. Williamson, Rep. Van Loan answered questions.

At the request of Rep. Webster, Rep. Menge answered questions.

Rep. Bowles further explained the amendment.

Amendment adopted.

Referred to Appropriations.

**HB 337**

establishing a committee to study and report on the goals, purposes, organization and financing of the state university system, and making an appropriation therefor. Ought to pass. Rep. Dunham for Education.

A study of the State University system by legislative committee of eight members, three from the senate and five from the house of representatives to examine the goals, purposes, organization and financing of the university system to evaluate and make recommendations to the 1973 session of the legislature.

Referred to Appropriations.

**HB 404**

relative to a state scholarship program for students who are residents and attending post secondary education institutions in this state, and making an appropriation therefor. Ought to pass. Rep. Hall for Education.

Provides needed aid to worthy New Hampshire students attending New Hampshire colleges.

Referred to Appropriations.

**HB 290**

increasing the minimum fine for littering a public place. Inexpedient to legislate. Rep. Greene for Environmental Quality and Agriculture.

Covered by pending legislation — HB 546.

Resolution adopted.

**HB 291**

relative to the disposition of fines for littering public places. Inexpedient to legislate. Rep. Greene for Environmental Quality and Agriculture.

Covered by pending legislation — HB 546.

Resolution adopted.

**HB 344**

providing that the state assume the full cost of health insurance for all state employees and making an appropriation therefor. Ought to pass with amendment. Rep. Moran for Executive Departments and Administration.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

increasing the state contribution to group health and hospitalization insurance for state employees and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Costs Assumed. Amend RSA 101-A:6 as inserted by 1963, 327:1 by striking out said section and inserting in place thereof the following: 101-A:6 Group Hospitalization, Hospital Medical Care, Surgical Care and Other Medical and Surgical Benefits. The state shall pay a fixed cost of five dollars per month per state employee and retired employee toward the present group hospitalization, hospital medical care, surgical care and other medical and surgical benefit or towards a group plan offering benefits as good or better than the present plans. The state employees and the retired employees shall pay for the balance of the premium on payroll deductions.

2 Appropriation. There are hereby appropriated for the fiscal year ending June 30, 1972 for the total expenditure authorized in RSA 101-A:6 as inserted by section 1 the sums of one hundred fifty-six thousand, one hundred eighty-five dollars from the general fund; eighty-three thousand, nine hundred eighty-three dollars from the highway fund; eight thousand, four hundred fifty-nine dollars from the fish and game fund; thirty-nine thousand, five hundred seventy dollars from federal funds; ten thousand, two hundred seventy-one dollars from self sustaining funds and three thousand, six hundred twenty-five dollars from the recreation fund and like sums for the fiscal year ending June 30, 1973. The governor is authorized to draw his warrant for the sums herein appropriated from moneys in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1971.

Amendment adopted.

Referred to Appropriations.

### **HB 272**

requiring fishways to be built on certain dams. Ought to pass with amendment. Rep. Maynard for Fish and Game.

Amends all after the title. Upon the request of a dam owner, the Governor with advice of council, shall appoint a commission of three to determine the need and cost.

(discussion)

Rep. Stimmell moved that HB 272 be recommitted to Committee on Fish and Game.

Adopted.

### **HB 375**

providing that the state instead of the county shall pay substitute judges of probate sitting because of the absence or inability to attend of the regular judge and making an appropriation therefor. Ought to pass with amendment. Rep. Andrews for Judiciary.

## **AMENDMENT**

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Compensation of Acting Judge. Amend RSA 547:16 (supp) as amended by 1963, 127:1 by striking out in line four the words "by the county in which he sits" and inserting in place thereof the following (from the appropriation for the expenses of the judges of the probate court.) so that said section as amended shall read as follows: 547:16 Compensation of Acting Judge. Such judge shall be allowed fifty dollars for each day he may be employed in attending such court, and a reasonable compensation for his travel and expenses, which shall be paid from the appropriation for the expenses of the judges of the probate court.

Amendment adopted.

Referred to Appropriations.

**HB 478**

providing for the adoption of Margaret Mary Nault. Inexpedient to legislate. Rep. Margaret Griffin for Judiciary.

Bill bypasses legal procedure for adoption. Welfare Department promises to guide family in legal procedure.

Resolution adopted.

**HB 482**

relative to bail commissioners. Ought to pass. Rep. Healy for Judiciary.

Increases fees paid bail commissioners to \$4.00 in the daytime, \$6.00 at night.

Ordered to third reading.

**HB 491**

permitting the publication of the name of an arrested juvenile. Inexpedient to legislate. Rep. Drabinowicz for Judiciary.

Would repeal present law and allow publication of names of arrested juveniles. No substantial support for bill and probation officers, correctional authorities and judges in opposition.

Resolution adopted.

**HB 429**

prohibiting the governor and council from naming certain natural and man-made formations in the state. Ought to pass with amendment. Rep. Nighswander for Judiciary.

Provides that the renaming of state parks, etc. requires legislative approval.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

prohibiting the renaming of certain natural  
and man-made formations in the state.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Miscellaneous Provisions. Amend RSA 4 by inserting after section 42 the following new subdivision:

Miscellaneous Provisions

4:43 Naming of Certain Formations. No state park, bridge, mountain, road, river, or body of water under the control of the state, shall be renamed without legislative approval.

Amendment adopted.

Ordered to third reading.

**HB 428**

relative to proof of residency by applicants for admission to state institutions of higher learning. Inexpedient to legislate. Rep. Underwood for Judiciary.

Current rules of the University system are detailed, strict, and rightly administered. There may be a few violations by dishonest people, but the problem is more adequately administered by the institutions.

Resolution adopted.

**HB 565**

establishing criteria of residency for the purposes of tuition at the University of New Hampshire. Inexpedient to legislate. Rep. Underwood for Judiciary.

Current rules of the University system are detailed, strict, and rightly administered. There may be a few violations by dishonest people, but the problem is more adequately administered by the institutions.

Resolution adopted.

**HB 392**

lowering the age of majority from twenty-one to eighteen years of age. Inexpedient to legislate. Rep. Andrews for Judiciary.

Committee felt that this type of legislation would have far-reaching effect on many different issues, and that each issue should be dealt with separately at the appropriate time.

Rep. Cares moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

establishing an interim committee to study the problems of lowering the age of majority from twenty-one to eighteen years of age.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. There is hereby established a committee of five members of the house to be appointed by the speaker to study the problems of reducing the age of majority from twenty-one to eighteen years of age and to report on or before January 15, 1973 to the 1973 session of the general court its findings and recommendations together with any legislation it recommends.

2 Effective Date. This act shall take effect sixty days after its passage.

The clerk read the amendment in full.

Rep. Cares explained his amendment.

(discussion)

Rep. Zachos spoke in favor of the motion.

Adopted.

Amendment adopted.

Ordered to third reading.

**HB 173**

increasing the revocation of license from sixty days to one year for driving while intoxicated and increasing to one year the revocation of license for refusing to consent to a blood test. Refer to Administrative Committee of the District and Municipal Courts. Rep. Frizzell for Judiciary.

Committee could not see this bill as solving the problems of highway safety, but recognizes the seriousness of the situation and feels it should be referred for further study and research.

Rep. Monier moved that the words, ought to pass, be substituted for the committee report, refer to Administrative Committee of the District and Municipal Courts, and spoke in favor of the motion.

(discussion)

## RECESS

## AFTER RECESS

Rep. D'Amante spoke in favor of the motion.

Reps. Healy, Harvell, Frizzell and Huot spoke against the motion.

(discussion)

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Adopted.

Rep. Monier requested a division.

49 having voted in the affirmative and 210 in the negative, the motion lost.

Committee report adopted.

## HB 363

eliminating peace bonds in cases of appeals from conviction of driving while intoxicated or reckless driving. Refer to Administrative Committee of the District and Municipal Courts. Rep. Frizzell for Judiciary.

Committee could not see this bill as solving the problems of highway safety, but recognizes the seriousness of the situation and feels it should be referred for further study and research.

Committee report adopted.

## SB 40

relative to petitioning for articles to be placed in town warrant. Ought to pass with amendment. Rep. Little for Municipal and County Government.

Rep. David Bradley moved that SB 40 be recommitted to committee and spoke in favor of his motion.

Rep. Hanson spoke in favor of the motion.

Adopted.

### **HB 208**

relative to foster care services for certain children and youth and making an appropriation therefor. Inexpedient to legislate. Rep. Edward Johnson for Public Health and Welfare.

Rep. McLane moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate and explained the amendment.

Reps. Nighswander, Murray, Barker, Edward York, Mallat and Shirley Clark spoke in favor of the motion.

Reps. Helen Wilson, Lawton, Donald Howard and Goodrich spoke against the motion.

Rep. Lambert moved the previous question; sufficiently seconded.

Adopted.

The question now being on the motion by Rep. McLane to substitute the words, ought to pass with amendment, for the committee report, inexpedient to legislate.

On a vv the Speaker was in doubt and requested a division.

The vote being manifestly in the negative, the motion lost.

Resolution adopted.

### **HB 270**

providing a penalty for failure to comply with requirements for construction and inspection of public buildings. Ought to pass with amendment. Rep. Harry Parker for Public Works.

Provides a penalty of RSA 155 passed in 1965 for anyone who violates this chapter.

## **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Other Codes. Amend RSA 155-A:1 as inserted by 1955, 191:1 by striking out said section and inserting in place there-

of the following: 155-A:1 Construction Standards. All new construction of schools, halls, theatres or other public buildings in which more than one hundred people can be assembled shall conform to the National Building Code as recommended by the National Board of Fire Underwriters and described as, "an ordinance providing for fire limits and regulations governing the construction, alteration, equipment or removal of buildings or structures," or other codes such as BOCA Building Code or National Fire Protection Association's Life Safety Code 101, 1970.

2 Exceptions. Amend RSA 155-A:3 as inserted by 1955, 191:3 by striking out the same and inserting in place thereof the following: 155-A:3 Exceptions. The provisions of this chapter shall not apply within cities or towns maintaining their own building inspection service and having a building code which is not less comprehensive than the National Building Code with respect to provisions for the public safety, or other codes such as BOCA Building Code or National Fire Protection Association's Life Safety Code 101, 1970.

3 Penalty. Amend RSA 155-A by inserting after section 4 the following new section: 155-A:5 Penalty. Whoever shall violate any provisions of this chapter shall be fined not more than one hundred dollars for each day the violation shall continue, said fine shall be for the benefit of the town.

Amendment adopted.

Ordered to third reading.

### **HB 359**

relative to the surveying of land transferred within the state. Inexpedient to legislate. Rep. Charles Cummings for Public Works.

Desirable but would place a great burden on the towns and the Registry of Deeds that cannot be justified.

Resolution adopted.

### **HB 402**

making an appropriation for the erection of historical markers on highways. Ought to pass. Rep. Fortier for Public Works.

Will allow fifteen historical markers per year with the cities and towns paying one-half for Class IV and Class V highways.

Referred to Appropriations.

## HB 285

providing that resident persons who have attained the age of sixty-five shall be charged one-half the adult admission fee for the use of state recreation areas and facilities therein. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreation areas and allowed the use of facilities therein without charge.

Amend the bill by striking out section 1 of the bill and inserting in place thereof the following:

1 No Fee for Admission. Amend RSA 218 by inserting after section 5-a (supp) the following new section: 218:5-b Admission Without Charge. Any person who is a resident of this state and who has attained the age of sixty-five shall be admitted to any state recreation area, including but not limited to parks, historical sites, beaches and ski areas, without charge other than a fifty cent fee payable personally to a town or city clerk for providing proper identification. Persons qualifying under this section shall be allowed to use any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays or Sundays. Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas.

Amendment adopted.

Referred to Appropriations.

**HB 253**

exempting the town of Salem from the ten year verification of the checklist in 1971. Inexpedient to legislate. Rep. Adams for Statutory Revision.

Subject covered by HB 242.

Resolution adopted.

**HB 468**

clarifying the provisions of the statute that tax deeds shall be given by the collector in office. Ought to pass. Rep. Howard Humphrey for Statutory Revision.

House cleaning bill, to bring present statute up to date.

Ordered to third reading.

**HB 485**

relative to selling tobacco to minors. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

This bill would repeal statutes that forbid sale of tobacco to minors. The committee, while agreeing current statutes are not enforced, does not wish to endorse legislation that remotely could encourage smoking.

Resolution adopted.

**HCR 12**

relative to a study of election laws. Ought to pass with amendment. Rep. Burleigh for Statutory Revision.

Establishes a committee to study and recommend changes in the election laws.

**AMENDMENT**

Amend the House Concurrent Resolution by striking out the fifth paragraph and inserting in place thereof the following:

That the committee shall report to the 1971 General Court on or before June 1, 1971 any recommendations for changes in the election laws which it proposes be enacted by said session primarily because they have particular reference to or effect on biennial or other state-wide elections;

Amendment adopted.

Adopted.

**HB 508**

exempting certain temporary heliports from registration under the provisions of the aeronautics act. Ought to pass. Rep. Hamel for Transportation.

Will allow approval of temporary heliport sites to be used up to seven days per year with abbreviated licensing procedures by the N. H. Aeronautics Commission.

Ordered to third reading.

The Speaker called for the special order for 11:01

**HB 387**

extending the time limit within which pari-mutuel pools may be sold.

The question being on the ruling as to the germaneness of the amendment.

Rep. Belair, on behalf of Rep. Robert O'Neil, withdrew the amendment.

Ordered to third reading.

**RECONSIDERATION**

Rep. Andrews, having voted with the majority, moved that the House reconsider its action whereby it killed HB 428, relative to proof of residency by applicants for admission to state institutions of higher learning, and spoke against the motion.

Motion lost.

**RECONSIDERATION**

Rep. Andrews, having voted with the majority, moved that the House reconsider its action whereby it killed HB 565, establishing criteria of residency for the purposes of tuition at the University of New Hampshire, and spoke against the motion.

Motion lost.

**RECONSIDERATION**

Rep. Lawton, having voted with the majority, moved that the House reconsider its action whereby it killed HB 208, rela-

tive to foster care services for certain children and youth and making an appropriation therefor, and spoke against the motion.

Motion lost.

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Rep. Shirley Clark moved to vacate reference of HB 656, to provide for the regulation of temporary barbers' licenses, from committee on Executive Departments and Administration and refer to Public Health.

Adopted.

### RECONSIDERATION

Rep. Harvell, having voted with the majority, moved that the House reconsider its action whereby it referred HB 173, increasing the revocation of license from sixty days to one year for driving while intoxicated and increasing to one year the revocation of license for refusing to consent to a blood test, and spoke against the motion.

Motion lost.

### RECONSIDERATION

Rep. Healy, having voted with the majority, moved that the House reconsider its action whereby it referred HB 363, eliminating peace bonds in cases of appeals from conviction of driving while intoxicated or reckless driving, to Administrative Committee of the District and Municipal Courts, and spoke against the motion.

Motion lost.

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The Rockingham County Delegation requested a six day extension on HB 234, relative to the salaries of the Rockingham county sheriff, chief deputy sheriff and deputy sheriffs.

Granted.

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Rep. Shirley Clark moved the adoption of the following resolution:

*Whereas*, the provisions of Articles 9, 11 and 26 of Part Second of the Constitution of New Hampshire require that the

General Court make an apportionment of the House of Representatives and the Senate and periodically establish representative and senatorial districts, and

*Whereas*, said articles require such action by this session of the General Court, and

*Whereas*, Article 9-a of Part Second of the Constitution of New Hampshire authorizes the General Court to make adjustments to a general census on account of non-residents temporarily residing in the state, and

*Whereas*, pursuant to Federal mandates and the provisions of Article 65 of Part Second of the Constitution the General Court will be required to reapportion the Federal congressional districts and the Executive Councilor districts, and

*Whereas*, because of recent decisions of the United States Supreme Court relative to the application of the Fourteenth Amendment to the Constitution of the United States and the principle of "one man-one vote" serious questions of constitutionality are raised relative to the reapportionments and re-districtings detailed above;

*Now Therefore be it Resolved*, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following important questions of law:

1. Do the provisions of Article 9-a Part Second of the Constitution of New Hampshire violate any provisions of the Constitution of the United States?

2. Would any provision of the United States or New Hampshire Constitutions be violated if in making any of the four reapportionments or districtings detailed above the Federal census figures were adjusted:

(a) By the exclusion of persons counted as part of the population of this state in the Federal census but who are not residents of this state and are:

(1) Military personnel stationed at a base in this state, or

(2) Students attending a college or university in this state;

or

(b) By increasing or decreasing such figures to reflect the change estimated by the office of planning to have taken place

in particular towns or wards from the date of the census to the date of such reapportionment or districting; or

(c) By increasing or decreasing such figures in a particular town or city to reflect the result of an actual census taken by said town or city?

3. Would any provisions of the United States or New Hampshire Constitutions be violated if the reapportionment and districting for members of the House of Representatives provides for:

(a) Some multi-member districts and some single member districts; or

(b) All multi-member districts but with differing numbers of members in the districts; or

(c) Districts which are composed of towns or wards in more than one county?

*Be it Further Resolved*, that the Speaker transmit seven copies of this resolution to the Clerk of the Supreme Court for consideration by said court.

Adopted.

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Rep. Reddy moved the adoption of the following resolution:

*Whereas*, there is pending before the House of Representatives House Bill No. 156, An Act imposing a tax on the profits of corporations, and House Bill No. 381, An Act imposing a tax on the income of individuals; and

*Whereas*, the rate of taxation in both of the above mentioned bills is five percent, but there is pending before the House of Representatives a proposed amendment to House Bill No. 381 to change the rate of taxation therein imposed to three percent; and

*Whereas*, questions have been raised as to constitutionality if both said bills are enacted, with House Bill No. 381 in amended form;

*Now therefore be it*

*Resolved*, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following important question of law:

1. If House Bill 156, as written, and House Bill 381, amended to change the rate of taxation thereby imposed to three percent, are both enacted, would any provision of the Constitution of the State of New Hampshire be violated?

*Be it Further Resolved*, that the Speaker transmit seven copies of this resolution, of House Bill No. 156 and of House Bill No. 381 to the Clerk of the Supreme Court for consideration by said court.

Adopted.

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Rep. Reddy moved the adoption of the following resolution:

*Whereas*, there is presently pending before the House of Representatives, House Bill 382, an act imposing a tax on income and on retail sales, and

*Whereas*, one part of the bill imposes a 3% tax upon retail sales of certain tangible personal property and upon certain services listed in the bill, and a proposed amendment to the bill specifically excludes a tax on meals and rooms which are taxed under RSA 78-A, and

*Whereas*, RSA 78-A imposes a 5% tax on the charges paid for the purchase of taxable meals purchased from a person in the business of operating a restaurant and upon the occupancy of a room in a hotel as defined in RSA 78-A, and

*Whereas*, the taxing of the sale of tangible personal property and certain services at a 3% tax, while the taxing of the purchase of meals and the occupancy of rooms at a 5% tax raises a constitutional question, now therefore be it

*Resolved*, That the Speaker of the House is directed to obtain from the Justices of the Supreme Court, their opinion upon the following questions of law which are of serious importance to the financial welfare of the state, namely:

1. Would any constitutional provision be violated by imposing a tax upon meals and rooms under RSA 78-A at a rate of 5% of the charge for the meal or room, and by imposing a tax of 3% upon the sale of tangible personal property and certain services as listed in House Bill 382, which would specifically exempt any tax on meals and rooms as taxed by RSA 78-A?

2. If question No. 1 is answered in the affirmative would there be any constitutional provision violated by amending RSA 78-A so as to impose a 3% tax on the transactions taxed by the meals and rooms tax law?

3. Would any constitutional provision be violated by any other provisions of House Bill 382 and the proposed amendment to it accompanying this petition?

*Be it Further Resolved*, That the speaker transmit seven copies of this resolution, of House Bill 382, and of the proposed amendment to House Bill 382 to the Clerk of the Supreme Court for consideration by the court.

Adopted.

Rep. Reddy moved the adoption of the following resolution:

*Whereas*, there is presently pending before the House of Representatives House Bill 383, an act imposing a personal income tax, repealing the tax on interest and dividend income, repealing the commuters income tax, repealing the poll tax and related statutes, providing additional return of revenue to the cities and towns and providing for property tax relief and stabilization, and

*Whereas*, Section 1 of the Bill would impose a 3% tax upon personal incomes, and

*Whereas* RSA 77-A imposes a 6% tax on the taxable business profits of business organizations; and

*Whereas* Section 9 of the Bill would establish a system of property tax relief and stabilization for low income taxpayers and a proposed amendment to the Bill would impose limits on the amount of property tax which would qualify and upon the amount of any claim for property tax relief and stabilization; and

*Whereas*, the foregoing may raise constitutional questions, now therefore be it

*Resolved*, That the Speaker of the House is directed to obtain from the Justices of the Supreme Court, their opinion on the following questions of law which are of serious importance to the financial welfare of the state, namely:

1. Would any constitutional provision be violated by imposing a tax of 3% on personal incomes as proposed by section one of House Bill 383 while at the same time imposing a tax of 6% on taxable business profits of business organizations under RSA 77-A?

2. Would any constitutional provision be violated by section nine or by including in section nine of House Bill 383 the limitations proposed by the said amendment?

*Be it Further Resolved*, that the Speaker transmit seven copies of this resolution, of House Bill 383, and of the proposed amendment to House Bill 383 to the Clerk of the Supreme Court for consideration by the Court.

Adopted.

Reps. Peabody and Cares moved the adoption of the following resolution:

*Whereas*, House Bill 621, An Act increasing the authorized debt limit of the Pelham school district, is pending before the New Hampshire House of Representatives; and

*Whereas*, the bill does not provide for its becoming effective upon the approval of the voters of said school district upon a referendum;

*Whereas*, the Constitution of New Hampshire, Part First, Article 39, contains the following proviso: No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters of such city or town upon a referendum to be provided for in said law, and

*Whereas*, Questions have been raised concerning the constitutionality of said bill,

*Now, Therefore, Be It*

*Resolved*, That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1 Do the provisions of House Bill No. 621 change the charter or form of government of the Pelham school district?

2 If the answer to question 1 is in the negative is a school district a city or town for the purposes of Article 39, Part First of the New Hampshire Constitution?

*Be It Further Resolved* that the Speaker transmit seven copies of this resolution and of House Bill 621 to the Clerk of the Supreme Court for consideration by said court.

Adopted.

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Rep. Zachos moved that SCR 2, pertaining to the study of the Criminal Code and the Uniform Consumer Credit Code, which was assigned to Judiciary be vacated and taken up at the present time.

Rep. Zachos explained his motion.

Adopted.

Rep. Zachos moved concurrence in SCR 2.

Adopted.

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Rep. Boucher moved suspension of the rules to allow the introduction of a resolution not previously advertised in the Journal or approved by the subcommittee on House Resolutions, and spoke in favor of the motion.

The clerk read the resolution in full.

Rep. George Roberts spoke against the motion.

Reps. Greenwood and Richard Bradley spoke in favor of the motion.

Motion lost.

Rep. Webster requested a division.

139 members having voted in the affirmative and 112 in the negative, the motion lost because it lacked the necessary two-thirds vote.

#### RECONSIDERATION

Rep. Lawton, having voted with the majority, moved that the House reconsider its action whereby it passed HB 387, extending the time limit within which pari-mutuel pools may be sold, and spoke against the motion.

Motion lost.

(Rep. George Roberts in the Chair)

On motion of Rep. Trowbridge the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

### LATE SESSION

Third reading and passage by the House

SB 5, providing payment to persons for loss of existing mortgage financing where such persons are displaced as a result of highway activities.

Rep. George Roberts wished to be recorded as voting in favor of SB 5.

HB 482, relative to bail commissioners.

HB 392, establishing an interim committee to study the problems of lowering the age of majority from twenty-one to eighteen years of age.

HB 429, prohibiting the renaming of certain natural and man-made formations in the state.

HB 104, to provide life insurance for national guardsmen while on active state duty.

HB 270, providing a penalty for failure to comply with requirements for construction and inspection of public buildings.

HB 468, clarifying the provisions of the statute that tax deeds shall be given by the collector in office.

HB 508, exempting certain temporary heliports from registration under the provisions of the aeronautics act.

HB 387, extending the time limit within which pari-mutuel pools may be sold.

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On motion of Rep. Bigelow the House adjourned at 4:30 P.M.

*Thursday, 1Apr71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

GOD of the earth, FATHER of men, we come to elevate our lives in this moment of prayer to seek peace and consolation. We do not escape the world, but desire to understand it — knowing that light dispels the shadows of darkness, that truth tells no lies, and that in our common bond we can be both inspiration and comfort to one another. We would lift up our brothers, Rep. Lyman Collishaw and Rep. Edward York (and their families) who have suffered grief and the personal loss of loved ones. Comfort them in these tender and tragic moments.

Now we would prepare ourselves for the duties and responsibilities of this legislative day; grant to each of us such wisdom and courage to act decisively for the common good of our "Granite State" and her citizens. Amen.

Rep. Drew led the Pledge of Allegiance.

#### LEAVE OF ABSENCE

Rep. Belzil, the day, important business.

#### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 673 through 681 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 673, relative to the verification of checklists every three years. (Menge of Grafton Dist. 8 — To Municipal and County Government.)

HB 674, authorizing state institutions of higher learning to expel students who fail to attend classes regularly. (Gordon of Merrimack Dist. 9 — To Education.)

HB 675, eliminating the requirement of publishing the advertisement of sale of state guaranteed sewer bonds and notes. (Junkins of Rockingham Dist. 16 — To Executive Departments and Administration.)

HB 676, to provide that a town may require that a list of the names of persons receiving exemptions from real estate taxes for persons over seventy years be included in the annual town report. (Chamberlin of Grafton Dist. 5 — To Municipal and County Government.)

HB 677, abolishing the requirement that all poll and head taxes be paid prior to issuance of a license to hunt or fish. (Cote of Hillsborough Dist. 29 — To Ways and Means.)

HB 678, to legalize the Haverhill town meeting of March 9, 1971. (LaMott of Grafton Dist. 6 — To Municipal and County Government.)

HB 679, to increase the salary of the Hillsborough county attorney and assistant county attorney. (Sweeney of Hillsborough Dist. 36 — To Special Committee — Hillsborough County Delegation.)

HB 680, requiring pay for police witnesses. (Belair of Rockingham Dist. 7 — To Judiciary.)

HB 681, relative to the protection of motor vehicle purchasers. (Spirou of Hillsborough Dist. 31; Menge of Grafton Dist. 8 — To Transportation and Aeronautics.)

### SENATE MESSAGE

Senate acceded to House Request for a committee of conference on:

HB 126, extending the good samaritan law to certain rescue and ambulance squads.

The President appointed Senators Nixon and Downing.

### FURTHER SENATE MESSAGE

#### Concurrence

HB 242, providing that the reregistration of voters be post-

poned until 1974 and establishing a committee to study and report on the form of checklists.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 20, providing that community antenna television rates be regulated. Ways and Means.

SB 58, to prohibit any special justice or associate justice of a district court or a municipal court from practicing law in any district court or municipal court. Judiciary.

Rep. Cleon Heald moved to vacate reference of HB 308, to provide forms for voter registration, and make an appropriation therefor, from the committee on State Institutions and refer to Statutory Revision.

Adopted.

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Rep. Reddy moved that House Resolution offered by the Ways and Means Committee be made a Special Order for 1:02 on Tuesday next.

Adopted.

### House Resolution Offered by the Ways and Means Committee

In conformity with the requirements of House Rule 32 paragraph (v) requiring the Ways and Means Committee to submit a House Resolution on or before April 1 giving a definitive estimate of all revenue available to the State from current revenue sources as of January first, the Ways and Means Committee hereby offers the following resolution:

*Be It Resolved* by the House that its estimate of all such revenue available is as follows:

# REVENUE PROJECTIONS

## HOUSE COMMITTEE OF WAYS AND MEANS

Fiscal Years 1972 and 1973

	Revised Estimates FY 1971	Fiscal Year 1972	Fiscal Year 1973
Railroad Companies	\$ 36,327	\$ 40,000	\$ 40,000
Utilities Tax	1,220,000	1,270,000	1,330,000
Board and Care	1,996,105	2,292,700	2,498,700
Beer	2,649,930	2,795,500	2,895,500
Telephone	3,793,063	4,170,000	4,600,000
*Head Tax	1,650,000		
Legacy Tax	4,000,000	4,000,000	4,000,000
Estate		500,000	500,000
Insurance	4,250,000	4,895,782	4,863,251
Racing — thoroughbred	5,670,950	5,615,700	5,615,700
— harness	4,300,000	4,457,500	4,457,500
Tobacco Tax	16,750,000	17,000,000	17,340,000
Liquor	22,500,000	25,000,000	27,000,000
Meals and Room	4,939,767	5,192,500	5,430,500
Other	5,200,000	3,534,174	3,526,896
Sub total	\$78,956,142	\$80,763,856	\$84,098,047
Business Profits Tax	11,000,000	13,500,000	14,750,000
Commuter Income Tax	1,250,000	1,250,000	1,250,000
Total	\$91,206,142	\$95,513,856	\$100,098,047

\*If the Head Tax is re-enacted during the current session, it will increase the figures for each year of the biennium by 1,625,000.

## BILLS PLACED ON THE CALENDAR UNDER RULE 57

### Education

HB 295, providing for the popular election of certain members of the board of trustees of colleges and University of New Hampshire.

### Environmental Quality and Agriculture

HB 294, relating to public disposal facilities.

## Public Health and Welfare

HB 205, relative to health services in public schools.

HB 324, relative to the vaccination and licensing of dogs.

## Resources, Recreation and Development

HB 325, authorizing the water resources board to control the release or withholding of stored water if necessary for public health or safety.

Placed on Calendar for April 13.

## BILLS DUE FOR REPORT UNDER RULE 43

## Resources, Recreation and Development

HB 350, relative to motorboat speed and the prohibiting of water-skiing on the Pemigewasset River near Plymouth.

Placed on Calendar for April 7.

Rep. Greene requested a six day extension on HB 294, relating to public disposal facilities.

Granted.

## ENROLLED BILLS REPORT

SB 45, relative to the purposes of issuance of bonds or notes.

Roxie A. Forbes  
For the Committee

## COMMITTEE REPORTS

**HB 530**

amending the liquidity provisions applicable to building and loan associations, cooperative banks or savings and loan associations. Ought to pass with amendment. Rep. Lamy for Banks and Insurance.

Broadens liquidity provisions of Cooperative Banks and Building and Loan Associations.

## AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Liquidity. Amend RSA 393:42 by striking out said section and inserting in place thereof the following: 393:42 Liquidity. Building and loan associations, cooperative banks or savings and loan associations shall maintain a reserve of not less than five percent of the amount of their share capital in cash, including balances in other banks, and/or public funds of the United States at par value the maturity of which shall not exceed five years, and/or the obligations of agencies of the United States (as are designated by written ruling of the bank commissioner) at par value the maturity of which shall not exceed five years.

Amendment adopted.

Ordered to third reading.

### HB 358

relative to school building aid for vocational education facilities and making an appropriation therefor. Ought to pass. Rep. Abbott for Education.

Proposes 100% state building aid on principal payments for vocational facility additions to be constructed at twenty comprehensive high schools. Passage would ensure orderly development of the so-called "twenty center plan" to develop specific job skills for New Hampshire's high school students.

Rep. Malcolm Stevenson offered the following amendment:

### AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following sections:

3 Federal Aid. The division of vocational education, department of education is hereby authorized to accept in the name of the state special grants of money or services from the federal government or any of its agencies for the purposes set out in section 1 of this act. The amount of any federal funds so contributed shall be included in the appropriations made in section 2.

4 Effective Date. This act shall take effect July 1, 1971.

The Clerk read the amendment in full.

Rep. Malcolm Stevenson explained the amendment.

Amendment adopted.

Referred to Appropriations.

#### **HB 412**

relative to the date on which foundation aid shall be paid. Ought to pass with amendment. Rep. Abbott for Education.

Only amendment is to change date from 15 September 1972 to 1 July, 1972.

#### **AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1972.

Amendment adopted.

Referred to Appropriations.

#### **HB 440**

providing for school staff development programs, state grants therefor, and making an appropriation therefor. Inexpedient to legislate. Rep. Abbott for Education.

Self-explanatory.

Resolution adopted.

#### **HB 446**

relative to the membership of school boards in certain school districts. Ought to pass with amendment. Rep. Townsend for Education.

The amendment merely permits a school district to enlarge its local school board whether or not it maintains a high school.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Increase of Membership Authorized in Districts. Amend RSA 197:15 (supp) as amended by 1961, 45:1 and 1967, 343:1

by striking out said section and inserting in place thereof the following: 197:15 School Board. Any district may have a school board consisting of three, five, seven or nine members, as it determines by vote or by law adopted at any annual meeting. Whenever a district determines to change the number of board members, it shall also determine the number of members to be elected each year beginning with that year so that the board will increase or decrease in membership so that there will always be an uneven number of members until the desired number is reached.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 293**

to reimburse towns and cities for participation in a state-wide refuse disposal program and making an appropriation therefor. Ought to pass with amendment. Rep. Colburn for Environmental Quality and Agriculture.

Provides incentive aid to towns and cities and to regional grouping for solid waste disposal.

### **AMENDMENT**

Amend RSA 53-C:2 as inserted by section 1 of the bill by striking out the same and renumbering RSA 53-C:3, 53-C:4 and 53-C:5 to read 53-C:2, 53-C:3, and 53-C:4 respectively.

Amendment adopted.

Referred to Appropriations.

### **HB 342**

to establish a police standards and training council and to provide educational and training requirements for members of police forces and making an appropriation therefor. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Sets up standards for police training schools funded by crime commission.

## AMENDMENT

Amend RSA 105-A:3, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. There is hereby established a police standards and training council. It shall consist of eleven members as follows: two members shall be chiefs of police in towns, two members shall be chiefs of police in cities, two members shall be county sheriffs, two members shall be judges of courts with criminal jurisdiction, the commissioner of education or his designee, the director of the division of state police and the attorney general.

Amend RSA 105-A:3, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. Except for the commissioner of education or his designee, the attorney general and the director of the division of state police, who shall serve during their continuance in those offices, members of the council shall be appointed by the governor for terms of four years. No member shall serve beyond the time he no longer holds the office or employment which qualified him for appointment. Any vacancy on the council shall be filled for the unexpired term in the same manner as the original appointment. Persons filling vacancies shall have the same qualifications for office as the member whose vacancy they are filling. Of the original appointments three shall be appointed for a term of one year, three for a term of two years, three for a term of three years and two for a term of four years.

Amend RSA 105-A:4 as inserted by section 1 of the bill by striking out paragraph X and renumbering the original paragraphs XI, XII, XIII and XIV to read X, XI, XII and XIII respectively.

Further amend the bill by striking out section 2 and renumbering section 3 to read 2.

Amendment adopted.

Referred to Appropriations.

**HB 355**

increasing the salaries of classified state employees and

making an appropriation therefor. Ought to pass with amendment. Rep. Moran for Executive Departments and Administration.

Unclassified employees receive same cost-of-living increase as classified — \$10 per week across the board.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

relative to the salaries of unclassified state officials and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Salaries Increased. Amend RSA 94:1 (supp) as amended by 1955, 153:2; 321:1; 323:4, 6; 335:8; 1957, 90:1; 223:2; 274:4, 7; 315:2; 1959, 199:4; 268:12; 1961, 166:5; 221:4; 222:5; 223:4; 266:12; 1963, 39:2; 132:2; 209:2; 328:17; 303:14; 1965, 267:7; 365:1; 1967, 95:6; 253:6; 333:2; 379:10; 413:3; 445:1; 1969, 108:2; 453:2; 466:2; and 1970 SS, 29:8 by striking out the same and inserting in place thereof the following: 94:1 Salaries Established. The annual salaries for the positions set forth shall be as follows for the period commencing June 25, 1971.

	Minimum	Maximum
Governor	\$	\$30,520
Chief justice, supreme court		29,020
Chief justice, superior court		27,520
Associate justice, supreme court (4)		28,020
Associate justice, superior court (9)		26,520
Judges, probate court (10)		10,520
Racing commissioners (3)		3,280
Sweepstakes commissioner, chairman		4,910
Sweepstakes commissioners (2)		2,620
State entomologist		4,661
Adjutant general	15,746	17,649
Assistant attorneys general (10)	15,746	17,649
Assistant bank commissioner	15,746	17,649
Assistant business supervisor	13,842	15,746
Assistant commissioner, public works and		

highways	20,821	22,724
Assistant commissioner of safety	13,842	15,746
Assistant to insurance commissioner	11,939	13,842
Assistant state librarian	11,939	13,842
Assistant state treasurer	11,939	13,842
Assistant superintendent, New Hampshire hospital	18,940	22,068
Attorney general	20,821	22,724
Bank commissioner	20,821	22,724
Business supervisor	16,380	19,552
Chairman, water resources board	13,842	16,380
Clerk of supreme court and court reporter	17,649	19,552
Commandant, soldiers' home	11,190	12,969
Commissioner of agriculture	15,746	17,649
Commissioner of department of employment security	20,821	22,724
Commissioner of education	20,821	22,724
Commissioner of health and welfare	20,821	22,724
Commissioner of public works and highways	23,090	25,530
Commissioner of resources and economic development	20,821	22,724
Commissioner of safety	20,821	22,724
Comptroller	23,090	25,530
Coordinator of crime and delinquency	9,540	12,520
Coordinator of federal funds	16,380	19,552
Coordinator of highway safety	16,380	19,552
Counsel, department of employment security	16,026	18,852
Deputy attorney general	17,649	19,552
Deputy bank commissioner	17,649	19,552
Deputy commissioner of education	17,649	19,552
Deputy commissioner of public works and highways	20,821	22,724
Deputy director business profits tax	18,210	22,724
Deputy directors, commission on crime and delinquency (2)	13,000	16,520
Deputy director of data processing	16,020	20,270
Deputy director, New Hampshire distributing agency	9,322	11,305
Deputy director of personnel	15,160	16,990
Deputy insurance commissioner	13,842	15,746
Deputy labor commissioner	10,670	12,574
Deputy registers of probate:		

Rockingham	7,065	9,108
Strafford	6,126	7,904
Belknap	6,126	7,904
Carroll	6,126	7,904
Merrimack	7,065	9,108
Hillsborough	8,257	10,298
Cheshire	5,625	7,102
Sullivan	5,625	7,102
Grafton	6,126	7,904
Coos	5,625	7,102
Deputy secretary of state	14,550	16,380
Deputy state treasurer	14,550	16,380
Deputy superintendent, industrial school	10,670	13,840
Deputy superintendent, Laconia state school	20,186	22,090
Deputy warden, state prison	10,670	13,840
Director of Aeronautics	15,746	17,649
Director of business profits tax	20,520	25,920
Director of charitable trusts	6,000	7,993
Director of clinical services	20,186	22,090
Director of clinical and surgical services	20,186	22,090
Director of correctional psychiatry	20,186	22,090
Director, commission on crime and delinquency	14,560	18,520
Director of data processing	20,520	25,920
Director, division of accounts	17,649	19,552
Director of economic development	15,746	17,649
Director, division of mental health	27,641	31,449
Director, division of parks	15,746	17,649
Director, division of public health services	20,830	22,724
Director, division of purchase and property	17,649	19,552
Director, division of resources development	15,746	17,649
Director, division of welfare	20,301	21,000
Director of fish and game	15,746	17,649
Director of motor vehicles	13,842	15,746
Director, New Hampshire distributing agency	11,939	13,842
Director, out-patient services	20,186	22,090
Director of personnel	17,649	19,552
Director of probation	12,720	14,550
Director of psychiatric education and research	20,186	22,090
Director of records management and archives	10,670	12,574
Director of safety services	12,842	14,746
Director of state police	15,746	17,649
Director of technical institute	15,746	17,649

Director of veterans' council	10,670	12,574
Executive director, real estate commission	9,410	11,409
Executive director, sweepstakes		21,000
Executive director, water supply and pollution control commission	20,821	22,724
General counsel, department of employment security	17,649	19,552
Governor's councilors	40/per diem	
Insurance commissioner	17,649	19,552
Labor commissioner	15,160	16,990
Liquor commissioner, chairman	18,210	20,040
Liquor commissioners (2)	16,260	19,720
Manager, management information, data processing	15,420	19,420
Manager, operations, data processing	15,420	19,420
Manager, programming, data processing	15,420	19,420
Parole officer	13,840	15,746
Public utilities commission, chairman	15,746	17,649
Public utilities commissioners (2)	15,111	17,014
Registers of probate:		
Rockingham		6,130
Strafford		5,860
Belknap		5,860
Carroll		5,860
Merrimack		6,130
Hillsborough		6,390
Cheshire		5,330
Sullivan		5,330
Grafton		5,860
Coos		5,330
Research assistant to the insurance commissioner	11,500	13,330
Secretary of state	20,821	22,724
Secretary, tax commission	20,301	22,204
Senior industrial agent	11,895	14,788
Senior psychiatrist	19,044	22,001
State fire marshal	11,939	13,842
State librarian	13,842	15,746
State treasurer	20,821	22,724
State veterinarian	13,918	15,665
Superintendent, industrial school	17,649	19,552
Superintendent, Laconia state school	20,821	22,724
Superintendent, New Hampshire hospital	25,130	28,936

Superintendent, state sanatorium	17,649	19,552
Tax commissioners (2)	15,160	16,990
Warden, state prison	17,649	19,552
Water supply and pollution control commission:		
Chief aquatic biologist	13,938	15,773
Deputy executive director and chief engineer	18,207	20,037
Director municipal services and assistance	13,938	15,773

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

2 Appropriation 1972. There is hereby appropriated for the fiscal year ending June 30, 1972, for the salary increases in section 1 of this bill the following sums: eighty thousand, six hundred dollars from the general funds of the state; five thousand, two hundred dollars from highway funds; one thousand, eight hundred twenty dollars from self-sustaining funds; one thousand, eight hundred twenty dollars from federal funds, and five hundred twenty dollars from fish and game funds.

3 Appropriation 1973. There is hereby appropriated for the fiscal year ending June 30, 1973, for the salary increases in section 1 of this bill the following sums: eighty thousand, six hundred dollars from the general funds of the state; five thousand, two hundred dollars from highway funds; one thousand, eight hundred twenty dollars from self-sustaining funds; one thousand, eight hundred twenty dollars from federal funds, and five hundred twenty dollars from fish and game funds.

4 Effective date. This act shall take effect upon its passage.

(discussion)

Amendment adopted.

Rep. Elmer Johnson offered an amendment.

The Clerk read the amendment in full.

Rep. Elmer Johnson explained his amendment.

(discussion)

Reps. Shirley Clark, Drake, James O'Neil and Belcourt spoke against the amendment.

Amendment lost.

Referred to Appropriations.

### **HB 371**

relative to longevity payments to long service state employees and officials and making an appropriation therefor. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Rep. MacDonald moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

Rep. Shirley Clark spoke against the motion.

Rep. Woodward spoke in favor of the motion.

Motion lost.

Resolution adopted.

### **HB 411**

providing shift differential compensation for state employees and making an appropriation therefor. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Provides 10 cents per hour for employees working second and third shifts.

### **AMENDMENT**

Amend the bill by striking out sections 1 and 2 and insert-

1 Differential. Amend RSA 99 by inserting after section 9 the following new section: 99:10 Shift Differential. All classified state employees who are assigned to duty on a regular scheduled night shift shall be paid at the rate of ten cents per hour in excess of regular pay for a day shift of the same length of time. For the purpose of this section a "night shift" shall mean one which includes four or more hours of regularly scheduled duty in lieu of a day shift, between the hours of three o'clock in the afternoon and eight o'clock in the morning.

2 Appropriation. There is hereby appropriated for the payment of the additional payments provided for by RSA 99:10 in fiscal 1971-1972 the sum of two hundred twenty-eight thousand ninety dollars which shall be charged as follows: one hundred eighty-six thousand nine hundred twenty-eight dollars against general funds, twenty-five thousand three hundred twenty-eight dollars against highway funds, three thousand two hundred seventy-eight dollars against recreation funds, and twelve thousand five hundred fifty-six dollars against self-sustaining and road toll funds; and in fiscal 1972-73 the same sum allocated in the same amounts. The governor is authorized to draw his warrant for the sums hereby appropriated.

Amendment adopted.

Referred to Appropriations.

#### **HB 424**

to establish the position of tax field agent in the office of the tax commission. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Resolution adopted.

#### **HB 448**

creating certain positions and duties for administration of the New Hampshire hospital and making an appropriation therefor. Ought to pass with amendment. Rep Shirley Clark for Executive Departments and Administration.

Restructures administrator at state hospital and eliminates three positions.

#### **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appointment and Duties of Directors. Amend RSA 135:6-a as inserted by 1955, 153:1, and amended by 1961, 222:1 and 1963, 39:2 by striking out said section and inserting in place thereof the following:

135:6-a Directors. There are hereby established positions of director of professional services, three clinical directors, and fourteen psychiatrists. The director of professional services and the clinical directors shall perform such duties as may be assigned to them by the superintendent. The directors, together with the superintendent, will be responsible for the determination and implementation of all policy matters relating to the medical care of patients at the New Hampshire hospital, and all other persons referred to the hospital or its agents for psychiatric assistance. The superintendent, with the approval of the director of the division of mental health, shall appoint to the following positions, duly qualified medical personnel, who shall serve at the pleasure of the superintendent:

I. A director of professional services, who shall be a board certified psychiatrist.

II. Three clinical directors, who shall be board certified psychiatrists.

III. Five psychiatrists III, who shall be board certified psychiatrists.

IV. Five psychiatrists II, who shall be board eligible psychiatrists.

V. Four psychiatrists I.

These positions shall carry with them an annual salary as set forth in RSA 94:1-a.

Amend section 2 of the bill by striking out in line three the words and numbers "Assistant superintendent, New Hampshire hospital 18,420 21,548" and by striking out in line thirteen the words and numbers "Assistant superintendent, New Hampshire hospital 19,500 22,500."

Amend the bill by striking out sections 3, 5 and 7.

Further amend the bill by renumbering the original sections 4 and 6 to read 3 and 4 respectively.

Further amend the bill by inserting after the renumbered section 4 the following new section:

5 Effective Date. This act shall take effect July 1, 1971.

At the request of Rep. Drake, Rep. Shirley Clark answered questions.

Amendment adopted.

Referred to Appropriations.

#### **HB 466**

establishing a council of economic advisors to the governor. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Amendment lost.

Referred to Appropriations.

#### **HB 368**

regulating the sale of hypodermic syringes. Ought to pass with amendment. Rep. Palmer for Judiciary.

More adequately regulates the sale and possession of hypodermic needles by limiting sale and possession to certain authorized persons, institutions, and those with prescriptions.

### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Hypodermic Sale. Amend RSA 318 by inserting after section 52-b the following new sections:

318:52-c Sale of Hypodermic Syringe. Hypodermic syringes, needles or any instrument adapted for the administration of controlled drugs by injection shall not be sold except in registered drug stores. No person shall sell, furnish, or give to any person or persons other than a duly licensed physician, dentist, balmer, or a hospital, sanitarium, clinical laboratory or any other medical institution or a state or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or interne of a hospital, sanitarium or other medical institution, an instrument commonly known as a hypoveterinarian, nurse, podiatrist, registered pharmacist or emdermic syringe, hypodermic needle or any instrument adapted

for the administration of controlled drugs by injection without the written prescription of a duly licensed physician, dentist or veterinarian. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed and the number of instruments prescribed.

318:52-d Recording and Filling of Prescription. Every person who disposes of, or sells, or furnishes, or gives away a hypodermic syringe or a hypodermic needle or an instrument adapted for the administration of controlled drugs by injection, upon the written prescription of a duly licensed physician, dentist, or veterinarian, shall record over his signature, the date of the sale or furnishing of the instrument and the number of instruments sold. This prescription shall be retained on file for a period of two years and shall be opened to inspection by any public officer or employee engaged in the enforcement of RSA 318-B. A prescription filled in accordance with this section shall be sufficient authority, without the necessity of a renewal or re-issuance, to permit subsequent sales or the furnishing of hypodermic syringes or hypodermic needles or instruments adapted for the administration of controlled drugs by injection to the person to whom the prescription was issued for a period of six months from the date of its original issuance.

318:52-e Control or Possession of Hypodermic or Like Instruments. Without Prescription Prohibited. No person shall have under his control or possess a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled drugs by injection, except a duly licensed physician, dentist, nurse, podiatrist, veterinarian, a registered embalmer, manufacturer or dealer in embalming supplies, registered pharmacist, wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles covered by this section by reason of his official duties, para-medical personnel acting under the direction of a physician or dentist, employees of a hospital, sanitarium or other licensed medical institution acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of such articles during the official performance of his duties, or a person who has received a written prescription issued under RSA 318:52-c. For the purpose of this subdivision

no such prescription shall be valid which has been outstanding for more than six months.

2 Repeal. RSA 318:52 as inserted by 1970, 48:1 relative to the sale of hypodermic syringes is hereby repealed.

3 Effective Date. This act shall take effect sixty days after its passage.

Rep. LaMott moved that HB 368 be recommitted to committee.

Reps. Palmer and Zachos spoke against the motion.

(discussion)

Rep. LaMott moved that HB 368 be laid on the table.

Motion lost.

The question now on the motion that HB 368 be recommitted to committee.

Motion lost.

Amendment adopted.

Ordered to third reading.

## HB 288

relative to the development of services to aid the health and welfare of the citizens of New Hampshire. Ought to pass. Rep. Bernard for Public Health and Welfare.

Develops social services and programs within the division of Welfare. Allows division to receive and distribute federal funds. Housekeeping bill. No appropriation.

Ordered to third reading.

## HB 289

authorizing the water resources board to acquire the dam on Pine River Pond in Wakefield, naming said dam the Arthur H. Fox Memorial Dam and making an appropriation therefor. Ought to pass with amendment. Rep. Coburn for Public Works.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Arthur H. Fox Dam. Amend RSA by inserting after chapter 482-E (supp) the following new chapter:

Chapter 482-F

Acquisition of a Certain Dam and Water Rights and Naming Said Dam the Arthur H. Fox Memorial Dam.

482-F:1 Acquisition Authorized. For a consideration of one dollar the New Hampshire water resources board is authorized to accept conveyance from the owner of the following described property for the purpose of improving and controlling certain water rights for the benefits of the state: Dam on Pine River Pond in the town of Wakefield, water rights, land, and other facilities connected therewith.

482-F:2 Arthur H. Fox Memorial Dam. The water resources board is directed to name said dam the Arthur H. Fox Memorial Dam. Said board shall place a suitable plaque at the dam with such detail as said board deems proper. The grantor will convey approximately two acres having approximately four hundred feet of frontage for public access on said pond.

482-F:3 Repairs, etc. Said board after said acquisition shall from time to time make repairs and modifications to said dam so acquired or rebuild as the case may be so as to best serve the interests of the state. Until a self-operating spillway is constructed, the grantor shall operate the dam at their own expense under the supervision of the water resources board.

482-F:4 Tax Exemption. The properties authorized to be acquired by the water resources board for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

2 Appropriation. The sum of fifty thousand dollars is authorized to be expended by the water resources board for the purpose of repairing and improving the dam to be known as the Arthur H. Fox Memorial Dam. Said sum shall be a charge against the fund established in RSA 270:5, VII. The governor is authorized to draw his warrant for said sum, which shall be a charge against the fund established in RSA 270:5, VII.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

**HB 314**

relative to the construction and maintenance of a lake management structure at Silver Lake. Ought to pass with amendment. Rep. Trowbridge for Public Works.

Gives the Water Resources Board authority to attempt to get federal funds for a dam structure on Silver Lake.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for investigation of a lake management structure on Silver Lake.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 482-E the following new chapter:

**Chapter 482-F****Investigation and Construction of a Lake Management Structure at Silver Lake**

482-F:1 Investigation and Construction. The water resources board is authorized to investigate conditions affecting the use and enjoyment of Silver Lake and when funds are available therefor to construct an outlet control structure and make channel improvements.

482-F:2 Agency to Receive Funds. The water resources board is authorized to apply for and receive, in the name of the state, any funds which are or may become available for the purposes of this chapter from the federal government or any other source. The board is authorized to acquire by gift any lands, water rights, easements or other property rights from the owners of lake frontage on Silver Lake and/or any funds which may be offered to make the project possible.

482-F:3 Tax Exemption. Any property acquired by the state under the provisions of this chapter shall be exempt from taxation.

2 Effective Date. This act shall take effect on July 1, 1971.

At the request of Rep. Williamson, Rep. Trowbridge answered questions.

Amendment adopted.

Ordered to third reading.

### HB 423

providing for the acquisition of a certain dam and water rights on Downing Pond. Ought to pass with amendment. Rep. Fleming for Public Works.

Allows water resources board to take over the dam so long as there is public access provided and the operation of the dam is performed by the grantor until funds are available to make the dam automatically self-operative.

### AMENDMENT

Amend RSA 482-F:1 as inserted by section 1 of the bill by adding at the end thereof the words (The grantor will provide a suitable public access to the impoundment above the dam if none exists.) so that said section as amended shall read as follows:

1 Acquisition Authorized. For a consideration of one dollar the New Hampshire water resources board is hereby authorized to accept conveyance from the town of New Durham the following described property for the purpose of improving and controlling certain water rights for the benefit of the state: Dam, water rights, and lands connected therewith known as the Downing Pond Dam on the Merrymeeting River in the town of New Durham. The grantor will provide a suitable public access to the impoundment above the dam if none exists.

Amend RSA 482-F:2 as inserted by section 1 of the bill by adding at the end thereof the words (Until the Water Resources Board receives sufficient funding to make necessary repairs or modifications to the dam, the grantor will operate said dam under the supervision of the Water Resources Board.) so that said section as amended shall read as follows:

2 Repairs and Improvements. After the acquisition the board may make repairs and modifications, or it may rebuild the dam so acquired, so as to best serve the interests of the state. Until the Water Resources Board receives sufficient funding to make necessary repairs and/or modifications to the dam, the

grantor will operate said dam under the supervision of the Water Resources Board.

At the request of Rep. Drake, Rep. Trowbridge answered questions.

Amendment adopted.

Referred to Appropriations.

### HB 430

providing for the acquisition of certain dams and water rights on the Hays Brook and Cocheco River in the town of New Durham. Ought to pass with amendment. Rep. Fleming for Public Works.

### AMENDMENT

Amend RSA 482-F:1 as inserted by section 1 of the bill by adding at the end thereof the words (The grantor will provide a suitable public access to the impoundment above the dam if none exists.) so that said section as amended shall read as follows:

1 Acquisition Authorized. For a consideration of one dollar the New Hampshire water resources board is hereby authorized to accept conveyance from the town of New Durham the following described property for the purpose of improving and controlling certain water rights for the benefit of the state: Dam, water rights, and lands connected therewith known as the March Pond Dam on the Hays Brook and Cocheco River. The grantor will provide a suitable public access to the impoundment above the dam if none exists.

Amend RSA 482-F:2 as inserted by section 1 of the bill by adding at the end thereof the words (Until the water resources board receives sufficient funding to make necessary repairs or modifications to the dam, the grantor will operate said dam under the supervision of the water resources board.) so that said section as amended shall read as follows:

2 Repairs and Improvements. After the acquisition the board may make repairs and modifications, or it may rebuild the dam so acquired, so as to best serve the interests of the state. Until the water resources board receives sufficient funding to make necessary repairs and/or modifications to the dam, the grantor will operate said dam under the supervision of the water resources board.

Amendment adopted.

Referred to Appropriations.

### HB 460

transferring the dam and flowage rights on Nubanusit brook to the water resources board. Ought to pass with amendment. Rep. Fleming for Public Works.

### AMENDMENT

Amend RSA 482-F:1 as inserted by section 1 of the bill by adding at the end thereof the words (The grantor will provide a suitable public access to the impoundment above the dam if none exists.) so that said section as amended shall read as follows:

482-F:1 Acquisition Authorized. For a consideration of one dollar, the New Hampshire water resources board is hereby authorized to accept conveyance from the Lake Skatutakee Association for the purpose of improving and controlling certain water rights for the benefit of the state including the dam on Nubanusit brook in the town of Harrisville, water rights, land and other facilities connected therewith. The grantor will provide a suitable public access to the impoundment above the dam if none exists.

Amend RSA 482-F:2 as inserted by section 1 of the bill by adding at the end thereof the words (Until the water resources board receives sufficient funding to make necessary repairs or modifications to the dam, the grantor will operate said dam under the supervision of the water resources board.) so that said section as amended shall read as follows:

482-F:2 Repairs, etc. The board after acquisition, shall from time to time make repairs and modifications to the dam so acquired or rebuild it as the case may be, to serve the best interests of the state. Until the water resources board receives sufficient funding to make necessary repairs and/or modifications to the dam, the grantor will operate said dam under the supervision of the water resources board.

Amendment adopted.

Referred to Appropriations.

**HB 275**

authorizing towns to make by-laws relating to hazardous pits. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Towns authorized to make by-laws regulating land excavation for protection of public.

Ordered to third reading.

**HB 408**

establishing an election fund to be the sole source of funding for gubernatorial campaigns. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

Honorable and idealistic though HB 408 may be, the committee felt the current situation did not merit its passage. The impracticality of the bill overwhelmed the committee. Further the committee felt the method of both raising and dispensing the funds was discriminatory.

Resolution adopted.

**HB 476**

relative to the town of Exeter. Inexpedient to legislate. Rep. Burleigh for Statutory Revision.

It would have repealed an act relative to the Exeter Police Commission. A majority of the Exeter Delegation were opposed to it.

Resolution adopted.

**HB 584**

relative to the form of drivers licenses, and making an appropriation therefor. Ought to pass with amendment. Rep. Hamel for Transportation.

Provides for driver's photograph on license which would be valid for four years. Increases fee by 50 cents per year which will make it self-sustaining. Will minimize forgeries and modernize our licensing procedures.

**AMENDMENT**

Amend section 1 of the bill by striking out in line eight the word "a" and inserting in place thereof the words (an instant) so that said section as amended shall read as follows:

1 Laminated Card with Color Photograph. Amend RSA 261:9 by striking out said section and inserting in place thereof the following: 261:9 Form of License. The director shall, upon payment of the required fee, issue to every applicant qualifying therefor an operator's license which shall take the form of a laminated card two and one eighths inches wide and three and three eighths inches long. Said laminated card shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, height, and weight of the licensee and an instant full-face color photograph of the licensee. There shall also be provided a space wherein the licensee shall write his usual signature in ink and a space wherein the licensee may enter his blood type if he so desires. No license shall be valid until signed in the proper space by the licensee.

Amendment adopted.

Referred to Appropriations.

## RECESS

### AFTER RECESS

(Deputy Speaker in the Chair)

### SENATE MESSAGE

House amendment non-concurrence — requests  
committee of conference

SB 25, modifying the requirements for membership on a municipal budget committee.

The President appointed Sens. Jacobson, Poulsen and Marcotte.

Rep. Hanson moved that the House accede and a committee of conference be established.

Adopted.

The Speaker appointed Reps. Hanson, Blain and Alukonis.

### COMMITTEE REPORTS CONTINUED

HB 328

repealing the statute providing that the labor commissioner shall establish the minimum wages paid by the state and its

political subdivisions in the construction of public works. Ought to pass with amendment. Rep. Trowbridge for Public Works.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

repealing the statute providing that the labor commissioner shall establish the minimum wages paid by the state and its political subdivisions in the construction of public works and enacting an anti-kickback in public works statute.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 280 the following new chapter:

### Chapter 280-A

#### Anti-Kickback in Public Works Law

280-A:1 Anti-Kickbacks and Penalties. Whoever, for himself, or as representative, agent or officer of another, shall withhold, take, or receive for his own use or the use of any other person, as a rebate, refund, or gratuity, or in any other guise, any part or portion of the wages paid to any employee for work done or services rendered on public works by the state of New Hampshire, or by a county, municipality or district established by law, or by persons contracting or subcontracting for such works, shall be punished for each offense by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment for not more than six months, or both. Whoever shall have been convicted of a second violation of this section shall be prohibited from contracting directly or indirectly, with the state, municipalities, or a district established by law, for the construction of any public works, or from performing any work on the same as contractor, or subcontractor, for a period of two years from the date of said conviction.

2 Chapter Repealed. RSA 280 as amended by 1955, 323:1; 1957, 187:15 and 19; 1959, 188:1, 1963, 286:1 and 2; and 1965,

287:1-5 relative to the labor commissioner establishing minimum wages for employers employed in the construction of public works for the state or a political subdivision thereof is hereby repealed.

3 Application to Existing Contracts and Invitations to Bid. The provisions of RSA 280 shall apply to all projects under construction or for which bids have been let prior to the effective date of this act until such project is completed.

4 Effective Date. This act shall take effect upon its passage.

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Rep. Dunlap requested a quorum count.

293 members having answered, a quorum was present.

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Rep. Trowbridge spoke in favor of the committee report.

(discussion)

Rep. Malcolm Stevenson offered an amendment and moved its adoption.

The Clerk read the amendment in full.

Rep. Stevenson explained his amendment.

Reps. Coutermarsh, Joseph Eaton, Gerry Parker, McDonough, Brungot, Charles Roberts, Hardy, Ineson, Joseph Cote, Lavalley, Oleson, Scamman and St. Onge spoke in favor of the Stevenson Amendment.

(discussion)

Reps. Sears, Nighwander, Ouellette, Mallat, Maguire, Fleming and Trowbridge spoke against the Stevenson amendment.

Rep. Arthur Bouchard moved the previous question; sufficiently seconded.

Adopted.

Rep. Dion requested the yeas and nays; sufficiently seconded.

The question being on the adoption of the Malcolm Stevenson amendment.

## ROLL CALL

YEAS: 149 — NAYS: 188

## YEAS

## HILLSBOROUGH COUNTY:

Eaton, Joseph H., Weilbrenner, Carter, Parker, Gerry F., Lesage, Trombley, Cote, Peter R., Drabinowicz, Desmarais, Lachance, Chamard, Cote, Margaret S., Grandmaison, Bissonnette, Coutermarsh, Gabriel, Alukonis, Keeney, Dwyer, Lyons, Ainley, Ackerson, Bourassa, Montplaisir, Murphy, Francis, Cote, Joseph L., Dion, Cullity, McDermott, Welch, John L., Manning, Spirou, Walsh, Barrett, William F., Clancy, Healy Lynch, John T., McDonough, Boisvert, Emile E., Sysyn, Simard, Champagne, Chevette, Derome, Lemieux, St. Onge, Belanger, Lynch, Doris T., O'Connor, James P., Sweeney, Clear, Lamy, Murphy, Dennis J., Levasseur, Allard, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

## MERRIMACK COUNTY:

Hardy, Enright, Riley, Gamache, Kopperl, Thompson, Doris L., Dempsey, York, Edward H., Howland, MacDonald, Sanders, Wilson, Ralph W.

## ROCKINGHAM COUNTY:

Fernald, Wilson, Helen F., Boucher, Soule, MacGregor, Greenwood, Sewall, Twardus, Scamman, Eastman, Hamel, Cheney, George L., Fiske, Hammond, Keefe, McEachern, Quirk, Connors, Jameson.

## STRAFFORD COUNTY:

McIntire, Stevenson, Douglas M., Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Ineson, Ruel, Beaudoin, Sylvain, Peabody, Raymond B., Bernard, Webber, Young, Parnagian, Richardson, Harriett W. B., Maglaras.

## SULLIVAN COUNTY:

Gaffney, Rousseau, Barrows, Burrows, D'Amante, Shulins.

## BELKNAP COUNTY:

Urie, Lawton, Roberts, Charles B.

## CARROLL COUNTY:

Cox, Davis, Dorothy W., Webster.

## CHESHIRE COUNTY:

None.

## COOS COUNTY:

Bushey, Hunt, Mayhew, O'Hara, Oleson, Roy, Studd, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon, Theriault, Kidder.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Brummer, Anderson, Dow, Tremblay, Hopkins, Mitchell.

## NAYS

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Sawyer, Knight, Monier, Poehlman, Colburn, Daloz, Mann, Arthur F., Murray, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Hall, Record, Mason, Gardner, Cleon J., O'Neil, Robert, Aubut, Ouellette, Sirois, Bednar, Rodgers, Cares, Peabody, Arthur H., Bridges, Harvell, Van Loan, Abbott, Daniels, Milne, Robinson, Martineau.

## MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Parker, Harry C., Hanson, Gordon, Little, Bartlett, Avery, Perkins, Burleigh, Piper, Chapley, Greeley, Humphrey, James A., Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, Fuller, Glavin, Tarr.

## ROCKINGHAM COUNTY:

Stimmell, Griffin, Margaret A., Adams, Read, Lovell, Belair, Morrison, O'Neil, Robert E., Smith, Philip A., Clark, Ernest D., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Goodrich, Vey, Junkins, Page, Varrill, Randall, Casassa, Cunningham, Langley, Leavitt, Greene, Weeks, Dame, Palfrey, Bowles, Woods.

## STRAFFORD COUNTY:

Brown, Canney, Smith, Elmer C., Clark, Shirley M., Cochran, Tirrell, Towle, Thompson, Barbara C., Dunlap, Preston, Balomenos, Tripp, Leighton, Fellows, Mudgett, DeWolfe, Kinney.

## SULLIVAN COUNTY:

Townsend, Chase, Donald R., Campbell, Spaulding, Roma A., Flint, Galbraith, Fleming, Williamson.

## BELKNAP COUNTY:

French, Nighswander, Wuelper, Roberts, George B., Mutzbauer, Hood, Drouin, Huot, Head, Dulac, Maguire, Whittemore.

## CARROLL COUNTY:

Howard, Donald K., Davis, Esther M., Lagroe, Conley, Chase, Russell C., Claffin, Hughes.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Forbes, Trowbridge, Yardley, Cournoyer, Forcier, Allen, Bennett, Johnson, Elmer L., Coughlin, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Saunders, Heald, Cleon E., Streeter, Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Cook, Huggins, Drake, Lee, Burns, Dubey, Fortier.

## GRAFTON COUNTY:

Tilton, Chamberlin, LaMott, Mann, Ezra B., Menge, Nutt, Gemmill, Foster, Duhaime, Roger M., Dudley, Merrill, Altman, Blain, Buckman, Bell, Sears, Bradley, Richard L.

## PAIRS

Rep. Maynard voting yes; Rep. Ruth L. Griffin voting no.

Rep. Chandler voting yes; Rep. Radway voting no.

Rep. Gelt voting yes; Rep. Sayer voting no.

and the Stevenson amendment lost.

Committee amendment adopted.

Rep. Elmer York requested the yeas and nays, seconded by Reps. Drabinowicz, Theriault, Brungot, MuCuin, Oleson and Bushey.

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Rep. White requested a quorum count.

342 members having answered, a quorum was present.

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The question being shall HB 328 be ordered to third reading.

### ROLL CALL

YEAS: 203   NAYS: 133

#### YEAS

##### COOS COUNTY:

Cook, Huggins, Hunt, Drake, Lee, Burns, Dubey, Fortier, Studd.

##### GRAFTON COUNTY:

Tilton, Chamberlin, LaMott, Mann, Ezra B., Anderson, Menge, Nutt, Gemmill, Foster, Duhaime, Roger M., Dudley, Merrill, Altman, Blain, Buckman, Bell, Sears, Bradley, Richard L., Mitchell.

##### HILLSBOROUGH COUNTY:

Humphrey, Howard S., Sawyer, Knight, Monier, Daloz, Mann, Arthur F., Murray, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Hall, Parker, Gerry F., Record, Mason, Gardner, Cleon, J., O'Neil, Robert, Aubut, Ouellette, Sirois, Bednar, Rodgers, Cares, Peabody, Arthur H., Bridges, Harvell, Van Loan, Abbott, Daniels, Milne, Robinson, Lamy, Martineau.

##### MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Parker, Harry C., Hanson, Gordon, Little, Bartlett, Avery, Perkins, Thompson, Doris L.,

Burleigh, Piper, Chapley, Greeley, Humphrey, James A., Cate, Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, MacDonald, Fuller, Glavin, Woodward, Tarr.

ROCKINGHAM COUNTY:

Stimmel, Griffin, Margaret A., Adams, Read, Lovell, Belair, Morrison, O'Neil, Robert E., Smith, Philip A., Clark, Ernest D., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Greenwood, Goodrich, Vey, Eastman, Junkins, Page, Varrill, Hamel, Randall, Casassa, Cunningham, Langley, Leavitt, Greene, Weeks, Dame, Palfrey, Bowles, Woods.

STRAFFORD COUNTY:

Brown, Canney, Smith, Elmer C., Clark, Shirley M., Cochran, Tirrell, Towle, Thompson, Barbara C., Dunlap, Preston, Balomenos, Tripp, Leighton, Fellows, Mudgett, DeWolfe, Kinney.

SULLIVAN COUNTY:

Townsend, Chase, Donald R., Gaffney, Campbell, Spaulding, Roma A., Barrows, Flint, Galbraith, Fleming, Williamson.

BELKNAP COUNTY:

French, Nighswander, Wuelper, Roberts, George B., Mutzbauer, Hood, Drouin, Huot, Head, Dulac, Maguire, Whittemore.

CARROLL COUNTY:

Howard, Donalda K., Cox, Davis, Esther M., Lagroe, Conley, Webster, Chase, Russell C., Claffin, Hughes.

CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Forbes, Trowbridge, Yardley, Cournoyer, Forcier, Allen, Bennett, Johnson, Elmer L., Coughlin, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Saunders, Heald, Cleon E., Streeter, Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

## NAYS

## COOS COUNTY:

Bushey, Mayhew, O'Hara, Oleson, Roy, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon, Theriault, Kidder.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Brummer, Dow, Tremblay, Hopkins.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Weilbrenner, Carter, Trombley, Cote, Peter R., Drabinowicz, Desmarais, Lachance, Chamard, Cote, Margaret S., Grandmaison, Bissonnette, Coutermarsh, Gabriel, Alukonis, Keeney, Dwyer, Lyons, Ainley, Ackerson, Bourassa, Montplaisir, Murphy, Francis, Cote, Joseph L., Dion, Cullity, McDermott, Welch, John L., Manning, Spirou, Walsh, Barrett, Clancy, Healy, Lynch, John T., McDonough, Boisvert, Emile E., Sysyn, Simard, Champagne, Chevrette, Derome, Lemieux, St. Onge, Belanger, Lynch, Doris T., O'Connor, James P., Sweeney, Clear, Murphy, Dennis J., Levasseur, Allard, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

## MERRIMACK COUNTY:

Hardy, Enright, Riley, Gamache, Kopperl, Dempsey, York, Edward H., Howland, Sanders, Wilson, Ralph W.

## ROCKINGHAM COUNTY:

Fernald, Wilson, Helen F., Boucher, Soule, MacGregor, Sewall, Twardus, Scamman, Cheney, George L., Fiske, Hammond, Keefe, McEachern, Quirk, Connors, Jameson.

## STRAFFORD COUNTY:

McIntire, Stevenson, Douglas M., Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Ineson, Ruel, Beaudoin, Sylvain, Peabody, Raymond B., Bernard, Webber, Young, Parnagian, Richardson, Harriett W. B., Maglaras.

## SULLIVAN COUNTY:

Rousseau, Burrows, D'Amante, Shulins.

## BELKNAP COUNTY:

Urie, Lawton, Roberts, Charles B.

## CARROLL COUNTY:

Davis, Dorothy W.

## CHESHIRE COUNTY:

None.

## PAIRS

Rep. Gelt voting yes; Rep. Sayer voting no.

Rep. Ruth L. Griffin voting yes; Rep. Maynard voting no.

Rep. Radway voting yes, Rep. Chandler voting no.

and HB 328 was ordered to third reading.

## ENROLLED BILLS AMENDMENT

HB 242, providing that the reregistration of voters be postponed until 1974 and establishing a committee to study and report on the form of checklists. Ought to pass with amendment.

## AMENDMENT

Amend the title of the bill by striking out line two and inserting in place thereof the following:

until 1973 and establishing a committee to study

Amend section 2 of the bill by striking out lines fourteen and fifteen and inserting in place thereof the following:

gaged on the business of the committee, shall be entitled to the same mileage as state employees. The governor is authorized to draw his warrant for the payment of such mileage out of any money in the treasury not otherwise appropriated.

Amendment adopted.

## SENATE MESSAGE

Adoption of enrolled bills amendment to HB 242.

## RECONSIDERATION

Rep. Vachon called for reconsideration on HB 228, relative to excavating, filling, mining and construction in the inland waters of the state, establishing an inland wetlands authority and making an appropriation therefor.

Rep. Contermarsh moved that reconsideration on HB 228 be made a special order for 1:01 Wednesday next.

Rep. Kopperl spoke in favor of the motion.

Adopted.

On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet Tuesday next at 1:00 P.M.

## SEATING CHANGE

Rep. Cleon Gardner from 2-37 to 3-94.

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Rep. Levy's Remarks

Thank you, Mr. Speaker.

I asked permission to address the House because this matter of quorum count has disturbed me and I am sure it has disturbed many of you. Mr. Gordon who has requested the quorum count day after day, is well within his rights to do so. However, I think that we are responsible legislators here, and as the representative who just preceded me said, it doesn't make sense to take a quorum count and then excuse the legislators. However, we do operate under a rule here in which we have a consent calendar, and I am sure that if there is not a quorum in the Hall, it is by the consent of the legislators that whatever is going on in the Hall, they are aware of, and, by consent, they are letting the other legislators here carry on the business while we carry on very serious business in committees.

Now, what is happening in this quorum count is that the image of the legislators here is being damaged in the public's eye. In committee, where we do much of our work and I am sure you are aware of it, we are holding public hearings and it certainly is Mr. Gordon's prerogative or anyone else's prerogative to call for a quorum count on any issue which is important for which he feels that the whole legislature should be together here. On the other hand, if we are going to continually, day after day have quorum counts just to prove a point here, we are going to have a problem with our image and with the work we are doing in committee. First of all, many people travel many miles to appear before our committees to testify. In the midst of this testimony, we have to then leave in mass to cover a quorum count, and in my personal opinion, this type of demonstration day after day does not show us to be the responsible legislators that we are.

The other subject which I would like to discuss at the same time, is this — that it is breaking our trend of thought in committee. I am sure that you recognize the fact that as we sit in committee and we are asking questions of those people who testify. If in the midst of this testimony, we then have to leave and then come back a half or three quarters of an hour later, I am sure that most of you recognize the fact that we have disrupted our trend of thought. I hope that these people who are demanding that we have a quorum count to prove a point will consider all of the things that I have said here and will reconsider these actions in the future. Thank you.

#### LATE SESSION

Third reading and passage by the House

HB 328, repealing the statute providing that the labor commissioner shall establish the minimum wages paid by the state and its political subdivision in the construction of public works and enacting an anti-kickback in public works statute.

#### RECONSIDERATION

Rep. Trowbridge, having voted with the majority, moved that the House reconsider its action in passing HB 328 and spoke against the motion.

Motion lost.

(Rep. George Roberts in the Chair)

HB 530, amending the liquidity provisions applicable to building and loan associations, cooperative banks or savings and loan associations.

HB 446, relative to the membership of school boards in certain school districts.

HB 368, regulating the sale of hypodermic syringes.

### RECONSIDERATION

Rep. Palmer, having voted with the majority, moved that the House reconsider its action in passing HB 368 and spoke against the motion.

Motion lost.

HB 314, providing for investigation of a lake management structure on Silver Lake.

HB 275, authorizing towns to make by-laws relating to hazardous pits.

HB 288, relative to the development of services to aid the health and welfare of the citizens of New Hampshire.

The Speaker announced that today is the 83rd birthday of Rep. Margaret Griffin.

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The Speaker announced that today is the 25th wedding anniversary of Rep. and Mrs. Williamson.

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On motion of Rep. Trowbridge the House adjourned at 5:55 p.m.

*Tuesday, 6Apr71*

The House met at 1:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by Guest Chaplain, the Rev. Ethel Lee Matthews of the Bristol Baptist Church.

Eternal God, and Father of us all, we humbly bow in Thy Divine Presence acknowledging that Thou art the Source of all Wisdom, Power and Truth. Grant, we beseech Thee, the Wisdom to discern that which is good, and the courage of our convictions to uphold that which is honorable and right. May we remember that Thy Word declares: "Righteousness exalteth a nation," of which we in this state are a part, and, when day is done, may we reflect a good conscience in our decisions toward the people whom we serve, and above all, that we have pleased Thee. Amen.

Rep. Spollett led the Pledge of Allegiance.

Mr. Leon Anderson, Historian, gave a brief history of women legislators during the past fifty years.

Reps. Brungot, Gagnon and Spollett were presented resolutions.

Rep. Weeks moved that Mr. Anderson's remarks and copies of the resolutions be printed in the Journal.

Adopted.

#### MR. ANDERSON'S REMARKS

One of the many good things about New Hampshire's giant House of Representatives is its femininity.

No other legislative body in the world, including the moon, has so much of it, never has had, and probably never will.

An all-time record total of 68 women are now serving in this House. This is a fitting milestone, for 1971 marks the Golden Anniversary of our lady legislators.

A half century ago, the first two sat in the 1921 House. They were Democrat Dr. Mary Louise Rolfe Farnum of Boscawen, and Republican Miss Jessie Doe of Rollinsford.

This pioneering pair did not talk too much, sat beside each other in Division 5, in seats 17 and 18, and organized. They became the N. H. Association of Women Legislators. Miss Doe was president, treasurer and sergeant-at-arms. Dr. Farnum became vice-president, secretary, and the entire executive committee.

Which goes to prove that Republicans and Democrats can happily share glory and titles, if there aren't too many of the former and not too few of the latter.

Two years later there were three women in the House, and two were Democrats. They were Mrs. Emma L. Bartlett of Raymond and Mrs. Gertrude Moran Caldwell of Portsmouth, and Republican Mrs. Effie Earll Yantis of Manchester.

This 1923 trio also got along like peas in a pod. By majority agreement, they occupied seats 10 and 11 and 12, in Division 4. They sat directly behind the Democratic leaders, who had just perched where the Republican legislative chiefs traditionally sit, for the minority party boasted a majority in that House, for their only such achievement from 1874 to this very day.

The male members were most considerate of those early lady legislators and gave them their choice of seats. But they got a tongue lashing for this masculine courtesy in the 1927 session and such feminine favoritism has never since been the same.

Mrs. Edgar Maude Ferguson of Bristol, 43-year-old tall and stately brunette, put the kibosh to such pampering. She took the floor and argued that women had battled too long and too hard for equality as legislators, to accept such special favors from the men.

House seats were doled out by an official lottery in those days, after the legislative chiefs had first grabbed most of the fancy front pews. There were 14 women in that session, as Mrs. Ferguson clinched her point, and landed in seat 23 in Division 3.

But that was not the worst of it. Mrs. Ferguson's feminine fuss blasted the first woman ever to sit in a front seat, right out of it.

Mrs. Augusta Pillsbury of Manchester, mother of big John Pillsbury, long-time legislative orator, occupied seat 4 in Division 1 in her first term in 1925, and was also the first woman teller. And Mrs. Ferguson's fuming plopped Mrs. Pillsbury way back in seat 66 in Division 2 in the 1927 session!

Democrat Mrs. Bartlett of the 1923 session was the first woman committee chairman. And some have followed her footsteps on that score.

During the 1959 session Representative Ferne Adams served as Vice-Chairman of the House Ways and Means Committee. When Chairman Earl Chandler resigned to accept a Federal position, Representative Adams served out the balance of the session as Chairman of the Ways and Means Committee.

But never until this 1971 session have so many women held so many top committee chairmanships. Speaker Marshall Cobleigh named a record total of five women chairmen and five women vice chairmen to help expedite the session's objectives.

We have compiled an interesting array of feminine firsts and features, in researching the 50-year history of New Hampshire's lady legislators. But this is not the time nor the place for such recountings.

It will all be made public later today, as the N. H. Savings Bank distributes handsome copies of the 64-page illustrated history at a tea for the women lawmakers, present and past, given by Mrs. Dorothy Peterson, the state's First Lady, at the Bridges Mansion.

## RESOLUTION

*Whereas*, this New Hampshire General Court of 1971 is celebrating the Golden Anniversary of its women members, and

*Whereas*, this General Court appreciates their contributions to its welfare, and the well-being of the citizenry it represents, and

*Whereas*, Mrs. Hilda Constance Frederika Brungot, member from Berlin now serving an 18th biennial term, has rolled up a legislative service record without equal for her sex in world annals, and

*Whereas*, she attended night classes in her 80th year to earn a High School diploma, and

*Whereas*, she has functioned through the years as shepherdess of the male members, sponsoring smoking privileges for them during dreary deliberations, and the comforts of shirt-sleeves sittings in summer sweatings, be it

*Resolved*, that this 1971 House of Representatives expresses esteem for this 84-year-old grandmother. We pay tribute as well to her doughty diligence and the spark of her spunk, which has been the hallmark of her perseverance, ever since Hilda Constance Frederika Brungot first became a Granite State legislator 40 years ago in 1931.

### RESOLUTION

*Whereas*, Miss Doris M. Spollett of Hampstead, now in her 15th biennial term as a member of the New Hampshire General Court, has a record of varied public enterprise perhaps unequalled by any other woman in the world, and

*Whereas*, this 73-year-old farmerette continues to raise and export prize goats and ponies, as she has done for more years than most of us can remember, and

*Whereas*, Miss Spollett recently set an all-time feminine record by being reelected a Selectman of her town for a 25th consecutive year, while also serving as a rural mail carrier, and

*Whereas*, Miss Spollett is now in her 13th term as a member of this House of Representatives, besides serving two terms in the State Senate, be it

*Resolved*, that while observing the Golden Anniversary of Granite State women legislators, we members of the 1971 House do hereby salute Miss Spollett for her fortitude, exemplary integrity, and general friendliness.

### RESOLUTION

*Whereas*, this 1971 session of the New Hampshire General Court is paying homage to its women members, past and present, in observance of their Golden Anniversary, and

*Whereas*, Mrs. Rebecca A. Gagnon of Berlin is now in her 13th term as a member of this House of Representatives, while still prim and pert at 76, and

*Whereas*, she has long been one of the more popular members of this body, because of her friendliness and modesty, be it

*Resolved*, that we members of the 1971 House of Representatives join in congratulations to Mrs. Gagnon for her distinguished legislative service, and wish her more of the same.

### LEAVES OF ABSENCE

Rep. Tirrell, the day, illness in family.

Rep. McCarthy, the week, illness.

Reps. Lee and Avery, the week, important business.

Rep. David Bradley, the day, important business.

### RESOLUTIONS

Rep. George Roberts offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 620, 682 through 712 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 620, to establish a criminal code. (Zachos of Hillsborough Dist. 27; For Joint Committee to Revise the Criminal Code — To Judiciary.)

HB 682, to amend the charter of St. Paul's School. (Fuller of Merrimack Dist. 26 — To Statutory Revision.)

HB 683, establishing a finance officer for the city of Manchester and defining his duties. (Martineau of Hillsborough Dist. 38 — To Special Committee — Manchester Delegation.)

HB 684, providing that a helper may set or haul lobster and crab traps only in the presence of and aboard a boat belonging to a licensed lobsterman. (Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 685, providing that the Winnicut river in Greenland be closed to all fishing March first to June thirtieth. (Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 686, to provide that New Hampshire residents sixty-five years of age or over shall receive free lifetime hunting and fishing licenses. (Theriault of Coos Dist. 9 — To Fish and Game.)

HB 687, relating to the calculation of annual and sick leave of state employees. (Michels of Merrimack Dist. 19 — To Executive Departments and Administration.)

HB 688, providing junior and child ski rates for students who are residents of the state. (Williamson of Sullivan Dist. 9 — To Resources, Recreation and Development.)

HB 689, providing that bow nets and dip nets may be used in certain rivers. (Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 690, providing a closed season for salt water smelt. (Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 691, increasing certain town clerk fees. (Vey of Rockingham Dist. 3 — To Municipal and County Government.)

HB 692, relative to the open season on fisher. (Anderson of Grafton Dist. 7; Bradley of Grafton Dist. 19 — To Fish and Game.)

HB 693, permitting access from Rockingham Boulevard to a tract of land on the southerly side thereof. (Belair of Rockingham Dist. 7; Morrison of Rockingham Dist. 7 — To Public Works.)

HB 694, prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products. (O'Neil of Rockingham Dist. 7 — To Public Health and Welfare.)

HB 695, to permit investment in voting trust certificates of banks and bank holding companies in the same manner as in the capital stock of banks and bank holding companies. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 696, amending the business profits tax to provide for

consolidated business profits tax returns. (Milne of Hillsborough Dist. 27 — To Ways and Means.)

HB 697, providing for the distribution of a list of persons ineligible to apply for hunting, fishing or trapping license. (Vogel of Cheshire Dist. 13 — To Fish and Game.)

HB 698, permitting a variation in the rate of interest on a readvance under a mortgage. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 699, prohibiting the granting of liquor licenses to restaurants in close proximity. (Casassa of Rockingham Dist. 20 — To Liquor Laws.)

HB 700, relative to posting speed zone signs on certain highways. (D'Amante of Sullivan Dist. 5 — To Transportation and Aeronautics.)

HB 701, legalizing proceedings of the special school district meeting and election, and the town meeting held in Conway on December 16, 1970 and March 9 and 11, 1971. (Lagroe of Carroll Dist. 2 — To Statutory Revision.)

HB 702, relative to qualifications for members of a school board. (Lagroe of Carroll Dist. 2 — To Education.)

HB 703, providing that no person shall furnish to another person a license issued to himself. (Greene of Rockingham Dist. 22 — To Fish and Game.)

HB 704, authorizing the attachment of corporate securities. (Bradley of Grafton Dist. 9 — For the Judicial Council — To Judiciary.)

HB 705, relative to the date of expiration of legislative number plates. (Michels of Merrimack Dist. 19 — To Transportation and Aeronautics.)

HB 706, changing part of the boundary line between the towns of Deering and Hillsborough. (Withington of Hillsborough Dist. 2 — To Statutory Revision.)

HB 707, relative to line of duty injuries of fish and game personnel. (Maynard of Rockingham Dist. 24 — To Labor, Human Resources and Rehabilitation.)

HB 708, to reclassify a class V highway in the city of Con-

cord and the town of Loudon to a class II highway. (Kopperl of Merrimack Dist. 12; York of Merrimack Dist. 20 — To Public Works.)

HB 709, relative to the use of credit union funds. (Noble of Merrimack Dist. 27 — To Banks and Insurance.)

HB 710, relative to temporary and seasonal employees of the highway department. (Noble of Merrimack Dist. 27 — To Public Works.)

HB 711, relative to certain administrative procedures within the department of education, school boards and schools. (Burleigh of Merrimack Dist. 14 — To Education.)

HB 712, relative to the traffic safety fund. (Dunham of Cheshire Dist. 11 — To Appropriations.)

### ENROLLED BILLS REPORT

HB 242, providing that the reregistration of voters be postponed until 1973 and establishing a committee to study and report on the form of checklists.

Roxie A. Forbes  
For The Committee.

### UNANIMOUS CONSENT

Rep. Bowles addressed the House by unanimous consent.

### COMMITTEE REPORTS

#### HB 471

to provide for interest charges on late payments made by the division of the department of health and welfare to providers of goods and services to welfare recipients. Inexpedient to legislate. Rep. Drake for Appropriations.

Resolution adopted.

#### HB 364

creating the office of ombudsman and making an appropriation therefor. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Committee felt this was very good legislation with some amendments but felt the appropriation could not be justified based on present need for this office.

Resolution adopted.

#### **HB 416**

relative to administrative functions of certain regulatory boards, and making an appropriation therefor. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Bill created more problems as written than it would have solved. Current difficulties can be corrected with administrative changes not requiring legislation.

Resolution adopted.

#### **HB 501**

relative to the board of chiropractic examiners and registration, and making an appropriation therefor. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

### **AMENDMENT**

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Term and Appointment of Board. Amend RSA 316:3 (supp) as amended by 1967, 204:2 by striking out said section and inserting in place thereof the following: 316:3 Term; Appointment; Removal. Their term of office is three years. No member may serve more than three consecutive terms. Members shall be appointed each year by the governor. Vacancies in said board shall be filled for the unexpired term and any members may be removed therefrom by the governor and council for cause and after hearing.

Further amend the bill by striking out section 6 and inserting in place thereof the following:

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

**HJR 36**

providing for a study of overtime, double-time, stand-by time and second and third shift time pay for state employees. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Covered by bill in Appropriations.

Resolution adopted.

**HJR 37**

providing for a study of state employees' wages. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

There is already set up by statute a salary study commission.

Resolution adopted.

**HB 180**

relative to district courts. Ought to pass with amendment. Rep. Andrews for Judiciary.

**AMENDMENT**

Amend the bill by striking sections 2, 4, 5, and 6 and number the section numbered 3, 2.

Amend the bill by inserting the following new sections:

3 Powers of Other Justices. Amend RSA 502-A:5 as inserted by 1963, 331:1 by striking out in line three the words "a disinterested justice of the peace within the district" and inserting in place thereof the words (a disinterested justice of the peace qualified in accordance with RSA 502-A:3) so that said section as amended shall read as follows: 502-A:5 Powers of Other Justices. If the justice and special justice of a district court are disqualified or unable for any cause to sit in any case, a disinterested justice of the peace qualified in accordance with RSA 502-A:3, or a disinterested justice or special justice from another district court, attending upon written request of the justice, may hear and determine the case and issue final process therein, and he shall keep a record thereof, which shall be kept with and constitute a part of the records of said court, all of which shall have like effect as if it were heard and determined by the justice of said court.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 343**

to create a State Department of Corrections. Inexpedient to legislate. Rep. Cate for Labor, Human Resources and Rehabilitation.

Committee felt the bill gave too much power to commissioner and council and takes away citizen participation.

Rep. Merrill moved that HB 343 be made a special order for 1:02 Tuesday next and spoke in favor of the motion.

Reps. Cochrane and Raiche spoke in favor of the motion.

Adopted.

### **HB 393**

providing for arbitration in labor grievances involving city employees. Ought to pass with amendment. Rep. Cate for Labor, Human Resources and Rehabilitation.

Makes the findings of the Personnel Advisory Board on appeals by employees final and binding.

### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Findings of Board Final. Amend RSA 49-A:38 (supp) as inserted by 1963, 275:1 by striking out said section and inserting in place thereof the following: 49-A:38 Personnel Advisory Board. There is hereby established a personnel advisory board of three citizens holding no other public office and appointed by the mayor, subject to the approval of a majority of the board of aldermen. The term of each member shall be for three years and until his successor is appointed and qualified. However, in the case of first appointments, one member shall be appointed for one year, one for two years, and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the

personnel advisory board to study the broad problems of personnel policy and administration, to advise the board of aldermen concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear appeals from any employee aggrieved as to the status or condition of his employment. The board shall issue written reports containing findings of fact and recommendations to the mayor upon such appeals. The findings of the board on such appeals shall be final and binding on both parties.

2 Effective Date. This act shall take effect sixty days after its passage.

At the request of Rep. MacDonald, Rep. Merrill answered questions.

Amendment adopted.

Ordered to third reading.

#### **HB 464**

relative to participation in the work incentive program. Ought to pass with amendment. Rep. Cate for Labor, Human Resources and Rehabilitation.

Required by Federal Legislation in order for New Hampshire to participate in WINS Program.

#### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Records Authorized. Amend RSA 282:22, III (supp) as inserted by 1969, 451:8 by striking out said paragraph and inserting in place thereof the following: III. Notwithstanding any other provision of law, the commissioner of employment security, and any person with whom the state through the said commissioner contracts in the administration of an agreement authorized under this section, shall mark or keep any records or reports, oral or written, required by the United States Department of Labor or other federal agency in order to participate in the work incentive program including, but not limited to, records or reports which show or tend to show the race, color, ethnic origin, creed, or religion of any individual.

Amendment adopted.

Ordered to third reading.

**HB 465**

relative to the use of identification cards for the purpose of purchasing alcoholic beverages. Inexpedient to legislate. Rep. D'Amante for Liquor Laws.

Resolution adopted.

**HB 296**

to raise the daily compensation of members of the Merrimack county convention. Ought to pass. Rep. Charles Cheney for Merrimack County Delegation.

Ordered to third reading.

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The Speaker called for the special order for 1:01 on

**HB 200**

to establish a state liquor store in West Lebanon, and making an appropriation therefor. Inexpedient to legislate.

Rep. Foster moved that the words, refer to the state liquor commission for further study and report their findings at the next legislative session, be substituted for the committee report, inexpedient to legislate and spoke in favor of his motion.

Rep. Collishaw spoke in favor of the motion.

Adopted.

Rep. Vachon for the Manchester Delegation offered the following resolution:

The Clerk read the Resolution in full.

**RESOLUTIONS**

*Whereas*, we have learned with regret of the death of Joseph C. Nalette, Representative from Manchester, and

*Whereas*, Mr. Nalette served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the New Hampshire House of Representatives in General Court convened, do here-

by extend our sincere sympathy to his family in their loss, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his family.

\* \* \*

Unanimously adopted.

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Sponsored by Reps. Cobleigh, Raiche, James O'Neil, Robinson, George Roberts, Coutermarsh, Bowles, Shortlidge, Zachos, Cares, Gay, Radway, Boucher, and Maynard.

### INTRODUCTION OF HCR 17

First, second reading and referral  
Constitutional Revision

### STATE OF NEW HAMPSHIRE

House Concurrent Resolution No. 17 Ratifying the  
Proposed Amendment to the Constitution of the  
United States Extending the Right to Vote to  
Citizens Eighteen Years of Age or Older.

*Whereas*, the Ninety-second Congress of the United States of America at its First Session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States in the following words, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

### “ARTICLE —

“SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SECTION 2. The Congress shall have power to enforce this article by appropriate legislation."

BE IT RESOLVED by the House of Representatives of the General Court of the State of New Hampshire, the Senate Concurring:

That, the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older be and the same is hereby ratified; and

BE IT FURTHER RESOLVED,

That certified copies of this resolution, signed by the Speaker of the House and the President of the Senate, be by them forwarded to the President of the United States, the President Pro Tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States.

#### NOTICE OF RECONSIDERATION

Rep. Boucher served notice that today or some subsequent day he would ask for reconsideration of the action of the House in adopting the amendment to HB 293, to reimburse towns and cities for participation in a state-wide refuse disposal program and making an appropriation therefor, and referral to Appropriations.

Rep. Wilfrid Boisvert served notice that today or some subsequent day he would ask for reconsideration of the action of the House in adopting the amendment to HB 355, increasing the salaries of classified state employees and making an appropriation therefor.

#### VACATE

Rep. Hanson moved that the order whereby HB 673, relative to the verification of checklists every three years, was referred to the committee on Municipal and County Government, be vacated and referred to committee on Statutory Revisions.

Adopted.

Rep. McLane moved that the order whereby HB 677, abolishing the requirement that all poll and head taxes be paid prior to issuance of a license to hunt and fish, was referred to

the committee on Ways and Means, be vacated and referred to the committee on Fish and Game.

Adopted.

Rep. Shirley Clark moved that the order whereby HB 576, providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes, was referred to Executive Departments and Administration be vacated and referred to the joint committee consisting of Executive Departments and Administration and Education.

Adopted.

(SPEAKER IN THE CHAIR)

Reps. Greene and Claflin moved that the order whereby HB 552, relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands commission and making an appropriation therefor, was referred to Environmental Quality and Agriculture be vacated and referred jointly to Resources, Recreation and Development and Environmental Quality and Development.

Adopted.

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Rep. Hanson moved that the committee of conference on SB 25, modifying the requirements for membership on a municipal budget committee, be discharged and a new committee of conference established.

Adopted.

The Speaker appointed Reps. Hanson, Blain and Burke.

BILL PLACED ON CALENDAR UNDER RULE 57

Bill due for Report and Not Reported:

Claims, Military and Veterans Affairs

HB 197, providing that the state shall reimburse cities and towns for taxes lost because of exemptions to veterans and making an appropriation therefor.

To be placed on calendar for April 13th.

SENATE MESSAGE  
CONCURRENCE ON

HB 286, appropriating additional funds for the women's dormitory at the N. H. Technical Institute in Concord.

SENATE CONCURRENCE ON SENATE BILLS  
WITH HOUSE AMENDMENTS

SB 51, providing for the commissioners of safety and education to devise standards for the conduct of driver education courses.

SB 5, providing payment to persons for loss of existing mortgage financing where such persons are displaced as a result of highway activities.

SENATE ADOPTION  
ENROLLED BILLS AMENDMENT

HB 87, relative to the penalty for guiding an unlicensed hunter.

FURTHER SENATE MESSAGE  
INTRODUCTION OF SB AND REFERRAL

SB 69, relative to hawkers and peddlers. Judiciary

SENATE CONCURRENCE ON HOUSE BILLS  
WITH SENATE AMENDMENTS

HB 84, relative to the deposit of funds with the state treasurer by the fish and game department.

(See SJ for Amendment.)

Rep. Stimmell moved that the House concur in the Senate amendment to HB 84.

Adopted.

HB 246, authorizing the use of breath tests to determine the percentage of alcohol in the bloodstream of motor vehicle operators.

(See SJ for Amendment.)

Rep. Hamel moved that the House concur in the Senate amendment to HB 246.

Adopted.

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The question being on the adoption of resolution of Ways and Means committee printed in the House Journal of April 1.

Resolution adopted.

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On motion of Rep. Bennett the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 1:00 p.m.

(Rep. Merrill in Chair)

#### LATE SESSION

Third reading and passage by the House

HB 180, relative to district courts.

HB 393, providing for arbitration in labor grievances involving city employees.

HB 464, relative to participation in the work incentive program.

HB 296, to raise the daily compensation of members of the Merrimack county convention.

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Reps. Alice Davis and Doris Thompson wish to be recorded as voting against HB 296.

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On motion of Rep. Dorothy Davis the House adjourned at 2:15 p.m.

*Wednesday, 7Apr71*

The House met at 1:00 p.m.

### JOINT CONVENTION

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Mr. Speaker, and Members of the New Hampshire General Court — We would, this day, honor the memory of Rep. Joseph C. Nalette (Hillsborough County, District 38), who is absent from our number but present with his Creator and our Father in Heaven. Jesus said, "I am the resurrection, and the life: and whosoever liveth and believeth in me shall never die."

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI. AMEN.

We seem to give them back to you, O LORD, who first gave them to us. Yet as you did not lose them in giving, so we do not lose them by their return. Not as the world gives do you give, O Lover of souls. What you give you do not take away, for what is yours is ours also if we belong to you. And life is eternal and love is immortal, and death is only a horizon, and a horizon is nothing save the limit of our sight. Lift us up, strong Son of GOD, that we may see further; cleanse our eyes, that we may see more clearly; draw us closer to yourself that we may know ourselves to be nearer our loved ones who are with you. And while you prepare a place for us, prepare us also for that place, that where you are we may be also forevermore. Amen. (ex. "The Book of Catholic Worship" — 1966)

### — THE LORD'S PRAYER —

Senator Roger Smith from the 15th District led the Convention in the Pledge of Allegiance.

Rep. Drake addressed the Convention relative to the fiscal facts as they appear to the Appropriations Committee.

### REMARKS OF REP. DRAKE

Because I feel that this House should have all available facts regarding the financial picture of the State to help guide

its proper and reasonable action, I arise today to present the fiscal facts as they appear to the Appropriations Committee.

This presentation represents our Committee position and has not been screened adjusted, amended or approved by anyone else.

The picture is indeed a bleak one. There is no intent or desire to assign any responsibility but only to point out the magnitude of the problems we face together, and jointly seek solutions.

We do not speak as advocates, either for or against any revenue measures. The Committee agrees it will be guided by the will of the House.

The revenue picture presented last week looks good by itself, but to fit this into proper perspective, we must next reduce this figure to the following level;

Projected Revenue for FY 1972 & 73	\$195,611,903
Minus (—) Estimated deficit as of 6-30-71	\$12,259,271
Minus (—) Reimbursement to Local Communities	41,925,000
Minus (—) Net Debt Service (2 years)	9,152,501
Minus (—) Short Term Interest	
1,075,000    1972	
1,000,000    1973	2,075,000
This leaves available for the biennium	\$130,200,131

To explain at this time the difference in the estimated deficit between this position and the Governor's proposed budget message, the following items were necessary to add to the deficit:

1. Short term interest of \$800,000.
2. 3-71 & 6-71 Reimbursement to local communities with fiscal years same as the states \$585,000.
3. A lower estimate 1971 Commuter Income Tax of \$500,000 and 1971 Business Profits Tax of \$2,000,000.

We project, including an estimated 700,000 in deficit appropriations, a deficit as of June 30 of 12,259,271.

There appears an honest difference of opinion, by all concerned, with the business profits tax revenue and no one will be able to supply a factual answer until shortly after May 15th. Meanwhile, we feel the revenue figures used here are realistic and will be met. In the 1970-71 Biennium, the legislature authorized general fund spending in the regular and special session of \$152,000,000.

We recommend that a bill be introduced to reinstate the head tax because we cannot afford to give up this source of revenue, particularly if no new revenue source is passed. If the head tax is reinstated, the *available revenue figure*, for budgeting would then be \$133,450,131. This will still require a reduction below the last biennium under present funding of \$18,799,869.

The Committee presently is considering as the basis for **submitting** the budget bills, the 1970-71 budgets. Under the rules, obviously we cannot work from the Governor's recommended operating budget of \$194,447,175 since this would require reductions amounting to \$60,997,044.

If you pass any legislative specials, these must further **reduce the amount** available for budgeting. If we are to allow for a budget surplus, as we should, whatever amount is established will also have to be applied against funds available.

However, just assuming the \$133,450,131 as available for budgeting (with no legislative specials or projected surplus), **this will mean a 12.2% reduction in all**, I repeat, *all* spending authorizations contained in all budgets.

We propose that the House seriously consider and make provision for funding the estimated 12.2 million deficit. If we do not have to provide for making up the deficit in the 72-73 budgets, we will still have to reduce the budgets to \$145,650,131 or 4% below the 1970-71 fiscal years. This still would provide for no legislative specials or anticipated 1973 surplus projection.

As the first necessity, to accomplish the 18.8 million reduction, we will recommend the freezing of *all*, I repeat, *all* salaries at the 1971 level for both classified and unclassified salaries as they relate to *normal annual increments*. This will not reduce the budgets below the 1970-71 level, but will prevent additional spending for 1972-73 of \$3,750,000 from all sources plus the OASI that would also substantially increase.

We will also propose the elimination of jobs wherever possible. In explanation of job eliminations, let me state that we do not save but a portion of the salaries involved. We have just passed an unemployment compensation bill under which state employees released are eligible to draw up to \$75 a week for 39 weeks and the state pays the entire amount of the benefits to the Department of Employment Security since we are self-insured, and the State receives absolutely no services from the employees concerned.

Since we will not be able to effect this level of reduction in some budgets, other general fund agencies must be cut deeper. For instance, unless we are prepared to shut down the new vocational, technical and health careers school, we need additional funds to staff the schools taking second year classes or to fund the Licensed Practical Nurse programs.

Obviously, we will also propose cuts in Foundation Aid, Reorganization Incentive Aid, Non-Public School Aid, and possibly freeze the school building aid programs. We will also have to stop additional programs of municipal sewerage treatment plants. We shall recommend that the reimbursement to the towns in lieu of stock-in-trade and machinery be frozen at least at the 1972 level. I realize that none of us have any desire to do this, but it is as realistic as reducing other aid programs, since reduction in all of these grant and aid programs will require raising additional money locally.

The Committee is making, and will continue to make, every effort to reduce spending under Welfare programs.

We propose that the U.N.H. system will be treated like the departments of state government.

The proposed budgets will be, under the rules, based primarily on the availability of funds and not on establishing the committee's position on meeting New Hampshire's needs.

In closing, let me repeat that the Appropriations Committee will meet its obligation under the rules to deliver to you a balanced budget, based on available revenue, whatever it may be.

On motion of Senator Foley from the 24th District, the Convention arose.

HOUSE  
LEAVES OF ABSENCE

Rep. Lamy, the day, illness.

Reps. Cochrane and Sayer, the day, important business.

Reps. Morrison, Ruth Griffin, Quirk, Connors, Jameson and Fernald, the day, inclement weather.

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At the request of Rep. Ferguson, Rep. Drake answered questions.

(discussion)

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Rep. Boucher withdrew his motion of reconsideration of HB 293, to reimburse towns and cities for participation in a state-wide refuse disposal program and making an appropriation therefor.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 713 through 740 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 713, relative to the number of ballots supplied to voting officials. (Vogel of Cheshire Dist. 13 — To Statutory Revision.)

HB 714, relative to the right to know law. (Dion of Hillsborough Dist. 29 — To Judiciary.)

HB 715, permitting a voter who changes party affiliation on primary day to vote in said primary. (Vogel of Cheshire Dist. 13 — To Statutory Revision.)

HB 716, establishing a coastal zone authority. (Vogel of Cheshire Dist. 13 — To Environmental Quality and Agriculture.)

HB 717, authorizing New Hampshire College to confer academic degrees and honorary degrees. (Zachos of Hillsborough Dist. 27 — To Education.)

HB 718, to amend the conditions of an appropriation for Dillant-Hopkins Airport, Keene. (Moran of Cheshire Dist. 16 — To Claims, Military and Veterans Affairs.)

HB 719, relative to directors of savings and commercial banks. (Michels of Merrimack Dist. 19 — To Banks and Insurance.)

HB 720, authorizing the county convention to establish the salary of the Merrimack county sheriff. (Michels of Merrimack Dist. 19 — To Special Committee — Merrimack County Delegation.)

HB 721, establishing districts for the election of county commissioners in Carroll county. (Chase of Carroll Dist. 7 — To Special Committee — Carroll County Delegation.)

HB 722, to extend maturity dates of bonds for special facilities at the University of New Hampshire. (O'Neil of Cheshire Dist. 12 — To Education.)

HB 723, authorizing the state to seal any equipment, vehicle or facility adjudged to be creating an immediate hazard to health. (O'Neil of Cheshire Dist. 12 — To Public Health and Welfare.)

HB 724, establishing a code of ethics for legislators. (Woodward of Merrimack Dist. 26; Perkins of Merrimack Dist. 11 — To Statutory Revision.)

HB 725, to abolish the fish and game commission and to establish a five year term for the director of the fish and game department. (Hayes of Carroll Dist. 3 — To Fish and Game.)

HB 726, relative to the right to mental health by public school teachers. (Lagroe of Carroll Dist. 2 — To Public Health and Welfare.)

HB 727, to insure completion of sewerage and pollution

control projects. (Junkins of Rockingham Dist. 16 — To Resources, Recreation and Development.)

HB 728, relative to employment of public school teachers in the state. (Lagroe of Carroll Dist. 2 — To Education.)

HB 729, to limit advertising by public utilities. (Chase of Sullivan Dist. 2; Flint of Sullivan Dist. 6 — To Statutory Revision.)

HB 730, relative to changing unsecured loan limitations of building and loan associations, cooperative banks or savings and loan associations. (Greeley of Merrimack Dist. 16 — To Banks and Insurance.)

HB 731, authorizing the use of state hospital doctors to work in community health clinics. (O'Neil of Cheshire Dist. 12 — To Public Health and Welfare.)

HB 732, relative to the examination, certification and regulation of arborists. (Leavitt of Rockingham Dist. 21 — To Executive Departments and Administration.)

HB 733, relative to operating snow traveling vehicles in the vicinity of ice fishermen. (Vogel of Cheshire Dist. 13 — To Transportation and Aeronautics.)

HB 734, appropriating funds for free influenza immunization for certain indigent persons. (Radway of Grafton Dist. 9 — To Public Health and Welfare.)

HB 735, relative to unpaid rent for safe deposit boxes. (Milne of Hillsborough Dist. 27 — To Banks and Insurance.)

HB 736, authorizing bank officers to certify on mortgage applications the value of the property to be mortgaged. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 737, permitting nonprofit colleges, nonprofit trusts and funds to be participating lenders. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 738, permitting banks to suspend business during emergencies and for other reasons. (Milne of Hillsborough Dist. 27 — To Banks and Insurance.)

HB 739, clarifying the law relative to the board of trustees of New Hampshire colleges and equalizing the expiration dates of appointed university trustees. (Clark of Strafford Dist. 4 — To Education.)

HB 740, increasing the salaries of certain officials in Sullivan county. (Saggiotes of Sullivan Dist. 6 — To Special Committee — Sullivan County Delegation.)

### SENATE MESSAGE CONCURRENCE ON

HB 79, permitting eighteen year olds to serve liquor and beverage in certain cases as an incident to his or her primary employment of serving food, liquor or beverage to patrons.

HB 118, providing for changing the classification of Little Lake Sunapee.

HB 107, providing for changing the classification of Pleasant Lake in the town of New London.

### SENATE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 80, to reduce the percentage of alcohol in the blood constituting prima facie evidence of intoxication.

(The amendment is printed in the Senate Journal of April 6, p. 356)

Rep. Hamel moved that the House concur in the Senate amendment.

Adopted.

### ENROLLED BILLS REPORT

HB 79, permitting eighteen years olds to serve liquor and beverage in certain cases as an incident to his or her primary employment of serving food, liquor or beverage to patrons.

HB 107, providing for changing the classification of Pleasant Lake in the town of New London.

HB 118, providing for changing the classification of Little Lake Sunapee.

HB 84, relative to the deposit of funds with the state treasurer by the secretary of state or the fish and game department.

HB 87, relative to the penalty for guiding an unlicensed hunter.

HB 286, appropriating additional funds for the women's dormitory at the New Hampshire Technical Institute in Concord.

SB 5, providing payment to persons for loss of existing mortgage financing where such persons are displaced as a result of highway activities.

SB 51, providing for the commissioners of safety and education to devise standards for the conduct of driver education courses.

Roxie A. Forbes  
For the Committee.

#### ENROLLED BILLS AMENDMENT

HB 246, authorizing the use of breath tests to determine the percentage of alcohol in the blood stream of motor vehicle operators. Ought to pass with amendment. Rep. Forbes for Enrolled Bills Committee.

#### AMENDMENT

Amend section 1 of the bill by striking out lines two through five and inserting in place thereof the following:

and amended by 1969, 119:2 by striking out said section and inserting in place thereof the following:

Amendment adopted.

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Rep. Russell Chase moved that the order whereby CACR 15, Relating to: The Trial of Crimes. Providing that: District Courts May Try Crimes Committed in a County other than the county where the court sits, was referred to the Committee on Constitutional Revision, be vacated and referred to committee on Judiciary.

Adopted.

## PERSONAL PRIVILEGE

Rep. Gagnon addressed the House under personal privilege.

The Speaker ordered Rep. Gagnon's remarks to be printed in the Journal.

## REMARKS OF REP. GAGNON

Thank you Mr. Speaker for giving me the opportunity to express myself. I was very touched yesterday and very happy to receive the resolution that was presented to me. It will be treasured by me and my children. I wish they could have been here to see it yesterday.

Mr. Speaker, I want to say thank you too, to Mr. Leon Anderson and the sponsors who helped him to make this possible. Also, my thanks to His Excellency the Governor and his wife for having a reception for us at the Governor's Mansion.

I am very happy and will never forget this day of 1971. I want to thank the members of this House. They are always so very nice to me with their smiles and their greetings every day. I have enjoyed every day I spent here and will always remember. So to the members of the House, and to you, Mr. Speaker, thank you and God bless you all.

## COMMITTEE REPORTS

**HB 341**

to prohibit cancellation of accident and health insurance policies due to changes in the physical condition of the insured. Inexpedient to legislate. Rep. Lamy for Banks and Insurance

Passage of this bill would prohibit low cost accident and health insurance.

Rep. Bednar moved that HB 341 be recommitted to the committee on Banks and Insurance and spoke in favor of the motion.

Adopted.

**HB 295**

providing for the popular election of certain members of the board of trustees of colleges and University of New Hampshire. Inexpedient to legislate. Rep. Dunham for Education

The complexities of the trustees positions demand certain training, expertise and experience which can be and always have been realized through the appointment process. Such guarantees would be unrealizable in a popular election, particularly as it might degenerate into partisan politics. The bill as drafted violates the "one man one vote" dictum because of the widely differing populations of the ten counties. Also as drafted the proposed "election" machinery is completely unworkable.

Rep. Lagroe moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

(discussion)

Reps. Dunham, Robert E. O'Neil, Gabriel, Bowles, Radway, Balomenos and James O'Neil spoke against the proposed amendment.

Reps. Lawton, Richard Bradley and Elmer Johnson spoke in favor of the proposed amendment.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

The question being on the motion to substitute.

On a vv the motion appeared to lose.

Rep. Sweeney requested a division.

The vote being manifestly in the negative, the motion lost.

Resolution adopted.

## COMMUNICATION

April 6, 1971

Honorable Marshall W. Cobleigh

Speaker of the House

I regret that at the present time my employment as a salesman on the road prevents me from fulfilling my duty to the people of Ward 6 — Portsmouth and of the state of New Hampshire. The prior two sessions of which I was a part I believe

the people of my ward were represented justly, but at this time they are being short-changed.

Because I have been unable to attend the present session of the Legislature regularly and see no change in the immediate future, I reluctantly request that my resignation as Representative — Ward 6 — Portsmouth be accepted at this time.

Respectfully yours,  
Wayne T. Bowlen

Rep. Bowlen's resignation accepted with regret.

### COMMITTEE REPORTS CONTINUED

#### HB 329

providing for a separate board to coordinate advanced education and asking an appropriation therefor. Inexpedient to legislate. Rep. Abbott for Education.

Duplicates the work being done by the Coordinating Board of Advanced Education and Accreditation in two studies already undertaken by:

- (1) The Coordinating Board under a Federal grant.
- (2) Educational Research and Services, Inc.

Resolution adopted.

#### HB 362

to prohibit the use of public funds for the purpose of circumventing the wishes of parents in inculcating in their children sexual values, attitudes, and behavior. Inexpedient to legislate. Rep. Bowles for Education.

The bill as constructed would strike a blow against home rule. in this case the right of school districts (through their school boards) to determine their own curriculum in the fields of health education, biology, etc. The bill is opposed by the New Hampshire Medical Society, the New Hampshire School of Nurses' Association and many other groups and individuals, particularly by a large number of school districts.

Rep. Webster moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of her motion.

Reps. Belzil, Lagroe, Cleon Gardner, Schwaner, and Richard Bradley spoke in favor of the motion.

Reps. Lyons, Townsend, Boucher, Abbott, David Bradley, Balomenos and Hall spoke against the motion.

Rep. Webster spoke a second time in favor of her motion.

Rep. Lambert moved the previous question; sufficiently seconded.

Adopted.

Motion to substitute ought to pass lost.

The question now on the committee report, inexpedient to legislate.

Rep. Webster requested a division.

It being manifestly in the affirmative, the resolution is adopted.

## **HB 422**

authorizing the commissioner of education to make a study of the financial aid formulas for elementary and secondary education. Ought to pass with amendment. Rep. Gemmill for Education.

The purpose of this study will be to determine the effectiveness and equity of present state aid formulas to public and parochial schools, and to determine if any alterations in existing formulas or new formulas are necessary. The study will be conducted by five representatives and three senators and will report to the presiding officers of the Legislature by March 1, 1972.

## **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## **AN ACT**

authorizing a committee to make a study of the financial aid formulas for elementary and secondary education.

Amend the bill by striking out sections 1, 2 and 3 of the bill and inserting in place thereof the following:

1 Study Authorized. A study committee of eight members consisting of three members of the senate appointed by the president and five members of the House appointed by the speaker is hereby established to undertake a study, in conjunction with the commissioner of education, of any or all programs of state financial support for elementary and secondary education, including any constitutionally permissible programs of state aid to parochial schools. The members shall not be entitled to any compensation, but they shall be reimbursed for travel and other necessary expenses while engaged in the actual work of the committee.

2 Purpose. The purpose of this study is to determine the effectiveness and equity of present state aid formulas to public and parochial schools. and to determine if any alterations in existing formulas or new formulas are necessary.

3 Expenditures Authorized. The committee is authorized to expend funds appropriated for this act to:

I. Employ consultants and additional temporary professional, technical, and clerical help.

II. Rent necessary furniture, equipment, and office space; and

III. Utilize a computer and related data processing equipment, and to pay attendant operating costs.

Amendment adopted.

Referred to Appropriations.

#### **HB 477**

relative to fees for registration as professional engineer. Ought to pass with amendment. Rep. Maurice Bouchard for Executive Departments and Administration.

Raises fees to cover expenses.

#### **AMENDMENT**

Amend the bill by striking out section 4 and inserting in place thereof the following new sections:

4 Expirations and Renewals. Amend RSA 319:22, I (supp) as amended by 1959, 38:6; 1965, 168:3 and 1967, 330:4 by strik-

ing out in line twenty-three the word "fifteen" and inserting in place thereof the word (twenty) so that said paragraph as amended shall read as follows: I. Certificates of registration, and certificates of authorization for corporations and partnerships, including those in effect on the effective date of this act, shall expire each year on December thirty-first and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this act, and every corporation and partnership holding a certificate of authorization under this act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year and the charges for delayed renewal; such notice shall be mailed to the registrant at the last known address at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of the normal renewal fee as determined by the board. The failure on the part of any registrant to renew a certificate annually in the month of December as required above shall not deprive such person or entity of the right of renewal but the fee to be paid for the renewal of a certificate after the month of December and before the first day of May of the following year shall be one and one half times the normal renewal fee, and, on and after said first day of May the fee to be paid shall be twice the normal renewal fee. The right of renewal shall be limited to a period of two years from the period the certificate of a former registrant shall become null and void, but may be reinstated by the board after reapplication, payment of a fee of twenty dollars, and after approval of the board. The board, at its discretion, may re-examine said former registrant.

5 Interstate Registration. Amend RSA 319:25 as amended by 1959, 38:8 and 1965, 168:6 by striking out in line two the words "thirty dollars" and inserting in place thereof the words (forty dollars, twenty dollars of which shall accompany the application) so that said section as amended shall read as follows: 319:25 Interstate Registration. The board may, upon application therefor, and the payment of a fee of forty dollars, twenty dollars of which shall accompany the application, issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by proper authority of the National Bureau of Engineering Registration, or of any state or territory or pos-

session of the United States, or of any country, provided that the applicant's qualifications meet the requirements of this act and the rules established by the board.

6 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

**HB 480**

to permit a child of divorced parents who has attained the age of seventeen to choose the parent with whom he wishes to live. Inexpedient to legislate. Rep. Brungot for Judiciary.

Under present court procedures child or his guardian could apply to superior court. Child should not be the only person involved in making such an important decision.

Resolution adopted.

**HB 324**

relative to the vaccination and licensing of dogs. Inexpedient to legislate. Rep. Lee for Public Health and Welfare.

Vaccination covered by other legislation licensing law satisfactory as is.

Resolution adopted.

**HB 332**

to authorize the barbers board to employ a full-time inspector and to increase certain license fees. Inexpedient to legislate. Rep. Barbara Thompson for Public Health and Welfare.

Covered by pending legislation in the Senate.

Resolution adopted.

**HB 432**

relative to the rabies control law. Ought to pass. Rep. Lee for Public Health and Welfare.

Title self-explanatory.

Ordered to third reading.

**HB 473**

relative to payment by the state in certain cases of the cost

of educating children living in foster homes. Ought to pass. Rep. Helen Wilson for Public Health and Welfare.

Referred to Appropriations.

**HB 269**

prohibiting the mining of sand and gravel in the inland and tidal waters of the state. Refer to an interim environmental study committee, composed of two members appointed by the Speaker, one by the President of the Senate, two by the Governor to report to the next convening session of the Legislature. Rep. Clafin for Resources, Recreation and Development.

Resolution adopted.

**HB 310**

relative to recoveries by the division of investigation of accounts. Ought to pass with amendment. Rep. Cleon Heald for State Institutions.

**AMENDMENT**

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Duties. Amend RSA 8:40 by striking out said section and inserting in place thereof the following: 8:40 Duties. Subject to the direction and supervision of the comptroller the business supervisor shall (1) review and investigate all records of the state hospital, Laconia state school and the New Hampshire home for the elderly relative to expenses incurred by patients at such institutions, or expenses incurred by patients receiving care, treatment or maintenance at the direction of the commissioner of health and welfare, and make recommendations to the respective boards of trustees or commissions of such institutions, or to the commissioner of health and welfare, as to the rates to be charged for the care, treatment and maintenance of such patients or inmates, (2) investigate the ability of patients and inmates of such institutions and of the patients receiving care, treatment or maintenance either in public or private institutions or otherwise at the direction of the commissioner of health and welfare and those legally chargeable for their support and maintenance to pay for such care, treatment and maintenance and recommend to the respective boards of trustees or commissions of such institutions or to the

commissioner of health and welfare the rate to be charged, (3) submit monthly to the boards of trustees of such institutions and the commissioner of health and welfare any recommended changes in the schedule of rates based upon the ability of the patient or inmate or those legally chargeable for their support to pay, (4) submit monthly to the boards of trustees or commissions of such institutions and the commissioner of health and welfare a report setting forth any facts or information which bear upon or affect the domicile of any patient or inmate of such institution which the business supervisor has found in conjunction with investigation under this subdivision, and the business supervisor shall recommend such action as he deems advisable.

Amendment adopted.

Referred to Appropriations.

#### **HB 481**

relative to committee selection in the house of representatives. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

The committee was of the unanimous opinion that this matter was more properly a subject of House Rules and not a matter for statute change.

Rep. Hardy moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

Rep. Richard Bradley spoke in favor of the motion.

Rep. MacDonald spoke against the motion.

On a vv the motion lost.

Rep. Hardy requested a division.

The vote being manifestly in the negative, the motion lost.

Resolution adopted.

#### **HB 568**

relative to financial disclosure by public officials. Inexpedient to legislate. Rep. Burleigh for Statutory Revision.

The Committee felt that there was no need for this type of legislation.

Resolution adopted.

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The Speaker called for the Special Order for 1:01 on

Reconsideration on HB 228, relative to excavating, filling, mining and construction in the inland waters of the state, establishing an inland wetlands authority and making an appropriation therefor.

The question being on the motion by Rep. Vachon that the House reconsider its action in sending HB 228 to Appropriations.

Rep. Vachon spoke in favor of reconsideration.

Rep. Kopperl spoke against reconsideration.

Rep. Robinson spoke in favor of reconsideration.

Reps. Oleson and Mayhew spoke against reconsideration.

(discussion)

Rep. Cares spoke against reconsideration.

Rep. Cares yielded to Rep. Kopperl to answer questions.

Rep. Lambert moved the previous question; sufficiently seconded.

Adopted.

The question being on the motion of reconsideration.

Reconsideration lost.

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Rep. Wilfrid Boisvert moved reconsideration on HB 355, increasing the salaries of classified state employees and making an appropriation therefor, and spoke in favor of the motion.

The question being on reconsideration of HB 355.

Reconsideration lost.

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Rep. Trowbridge requested a six day extension on HB 119, relative to making improvements to the central New Hampshire turnpike and making an appropriation therefor;

HB 175, relative to making improvements to the eastern New Hampshire turnpike and making an appropriation therefor; and HB 193, relative to the improvement and extension of the Spaulding Turnpike.

Granted.

Placed on the Calendar under Rule 57

HB 210, relative to establishing a state housing authority and a state housing finance agency and making an appropriation therefor.

Placed on the calendar for April 14.

### UNANIMOUS CONSENT

Rep. Higgins addressed the House by unanimous consent.

### RECONSIDERATION

Rep. Harvell, having voted with the majority, moved that the House reconsider its action in killing HB 362, to prohibit the use of public funds for the purpose of circumventing the wishes of parents in inculcating in their children sexual values, attitudes, and behavior, and spoke against the motion.

Motion lost.

### RECONSIDERATION

Rep. Dunham, having voted with the majority, moved that the House reconsider its action in killing HB 295, providing for the popular election of certain members of the board of trustees of colleges and University of New Hampshire, and spoke against the motion.

Motion lost.

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On motion of Rep. James O'Neil the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

## LATE SESSION

Third reading and passage by House

HB 432, relative to the rabies control law.

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On motion of Rep. Gagnon the House adjourned at 5:03 p.m.

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*Thursday, 8 Apr 71*

The House met at 11:00 o'clock.

## CONSENT CALENDAR (RULE 60)

Prayer was offered by House Chaplain, Rev. William L. Shafer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI. AMEN. Sovereign Lord, Ruler of the universe, look down from heaven upon your Church, upon all your people, and upon your little flock, and save all of us, your unworthy servants, the creatures of your flock, and give us your peace, your love, and your assistance. Send down upon us the free gift of your Holy Spirit so that with a clean heart and a good conscience we may greet one another with holy love, not deceitfully nor hypocritically, nor to control each other's freedom, but blamelessly and purely in the bonds of peace and love. For there is only one Body, and one Spirit and one Faith as we have been called in one hope of our calling so that we might all come to you and to your infinite love in Jesus Christ our Lord, with whom you are blessed with your all-holy, good, and life-giving Spirit, now and through endless ages. Amen.

(. . . ex. "*The Book of Catholic Worship*" — 1966.)

Rep. Barnard led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Alukonis, the day, illness in the family.

Rep. Harvell, the day, important business.

## RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 741 through 769 and House Joint Resolution number 46 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 741, relative to limitation on appropriations under the municipal budget law. (Bednar of Hillsborough Dist. 23 — To Municipal and County Government.)

HB 742, to amend the charters of certain savings banks. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 743, relative to licensing fees, registering, and kennel fees for dogs. (Vey of Rockingham Dist. 3 — To Fish and Game.)

HB 744, increasing the amount of money payable to certain town officers' associations. (Vey of Rockingham Dist. 3 — To Municipal and County Government.)

HB 745, providing for the removal of a town clerk. (Vey of Rockingham Dist. 3 — To Municipal and County Government.)

HB 746, setting certain fees for notaries public. (Vey of Rockingham Dist. 3 — To Statutory Revision.)

HB 747, allowing podiatrists to participate in medical service corporations. (Raiche of Hillsborough Dist. 34; Sherman of Merrimack Dist. 2 — To Public Health and Welfare.)

HB 748, continuing in existence the state commission on the status of women. (Howard of Merrimack Dist. 26 — To Executive Departments and Administration.)

HB 749, relative to establishing a forty hour work week in certain industries in the state. (O'Hara of Coos Dist. 5; Theriault of Coos Dist. 9; York of Coos Dist. 7; Oleson of Coos Dist. 5 — To Labor, Human Resources and Rehabilitation.)

HB 750, relative to the financing of elementary and secondary education. (Roberts of Belknap Dist. 3 — To Education.)

HB 751, clarifying the law relative to the board of trustees of New Hampshire colleges and providing for a student member thereof. (Clark of Strafford Dist. 4 — To Education.)

HB 752, requiring the destruction of certain court records. (Smith of Rockingham Dist. 7; Withington of Hillsborough Dist. 2 — To Judiciary.)

HB 753, eliminating the biennial referendum on sweepstakes on the ballots. (Humphrey of Hillsborough Dist. 21 — To Statutory Revision.)

HB 754, to provide for the licensing of plumbers, and installers of water pumps and water conditioners. (LaMott of Grafton Dist. 6; Cox of Carroll Dist. 2; Allen of Cheshire Dist. 8 — To Executive Departments and Administration.)

HB 755, relative to salaries of district court judges. (Raiche of Hillsborough Dist. 34 — To Judiciary.)

HB 756, to increase highway relocation assistance. (Fleming of Sullivan Dist. 8 — To Public Works.)

HB 757, establishing requirements for revaluation of all property in a town by the selectmen. (Buckman of Grafton Dist. 17 — To Municipal and County Government.)

HB 758, providing additional factors for establishing the assessed value of real estate for tax purposes. (Buckman of Grafton Dist. 17 — To Municipal and County Government.)

HB 759, relative to the qualifications of persons appraising property for tax assessment purposes. (Buckman of Grafton Dist. 17 — To Municipal and County Government.)

HB 760, exempting managers of public motion picture houses from the obscenity statute. (Healy of Hillsborough Dist. 32 — To Judiciary.)

HB 761, permitting the issuance of liquor permits to certain convicted felons upon approval of the liquor commission. (MacDonald of Merrimack Dist. 25 — To Liquor Laws.)

HB 762, relative to permits for manufacturers of beverages. (Enright of Merrimack Dist. 7 — To Liquor Laws.)

HB 763, to abolish capital punishment. (Woodward of Merrimack Dist. 26; Huot of Belknap Dist. 9; Bradley of Grafton Dist. 13 — To Judiciary.)

HB 764, increasing the bond required of certain county officers. (Raiche of Hillsborough Dist. 34; Lambert of Hillsborough Dist. 39 — To Municipal and County Government.)

HB 765, providing for the distribution of the state appropriation for school hot lunches. (Sherman of Merrimack Dist. 2 — To Education.)

HB 766, relative to the standards for the licensing of chiropractors. (Andrews of Merrimack Dist. 1 — To Public Health and Welfare.)

HB 767, relative to witness fees for law enforcement officers. (Sweeney of Hillsborough Dist. 36; Huot of Belknap Dist. 9; Richardson of Strafford Dist. 19 — To Municipal and County Government.)

HB 768, relative to sewer rates. (Andrews of Merrimack Dist. 1 — To Resources, Recreation and Development.)

HB 769, providing for consultation by the labor commissioner with chiropractors relative to changes in workmen's compensation matters. (Sayer of Rockingham Dist. 7 — To Labor, Human Resources and Rehabilitation.)

HJR 46, directing a study of the feasibility of establishing a state park named for Alan B. Shepard in the area of Derry, Londonderry, Litchfield and Manchester. (Adams of Rockingham Dist. 5; Bridges of Hillsborough Dist. 26; Bourassa of Hillsborough Dist. 28 — To Resources, Recreation and Development.)

## COMMITTEE REPORTS

### HB 510

clarifying the relationship of school boards and the voters of a school district relative to regulations. Inexpedient to legislate. Rep. Abbott for Education.

Resolution adopted.

### HB 219

establishing a revaluation division in the tax commission and making an appropriation therefor. Inexpedient to legislate.

Rep. Maurice Bouchard for Executive Departments and Administration.

Covered by HB 600.

Resolution adopted.

### **HB 520**

providing that putting harmful objects or substances in food or drink and giving such food or drink to another is a crime. Inexpedient to legislate. Rep. Zachos for Judiciary.

Subject matter covered by present drug laws and criminal laws.

Resolution adopted.

### **HB 549**

relative to revisions and supplements to the law enforcement manual. Ought to pass with amendment. Rep. Palmer for Judiciary.

Would allow attorney general to publish additional copies of the manual, which sold out its first printing very quickly.

### **AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated the sum of two thousand six hundred ten dollars to be expended by the attorney general for the purpose of printing copies of the 1970 edition of the law enforcement manual. Said appropriation shall be in addition to all other appropriations for the office of attorney general. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. From the number of copies printed under this appropriation, each member of the general court shall be entitled to receive at the office of the attorney general one such copy of said manual without charge.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

**HB 247**

relative to the date for verification of voter checklists and the manner of notification to voters of the reregistration procedure. Inexpedient to legislate. Rep. Burleigh for Statutory Revision.

Resolution adopted.

**HB 493**

restricting the operation of motor vehicles by drivers under eighteen years of age. Inexpedient to legislate. Rep. Hamel for Transportation.

Report inexpedient requested by sponsor.

Resolution adopted.

**HB 499**

relative to the placing of yield and stop signs on public highways. Inexpedient to legislate. Rep. Hamel for Transportation.

Commissioner of Public Works and Highways has the power under present law to control this problem.

Resolution adopted.

**SB 56**

relative to the suspension of motor vehicle licenses of minors in possession of alcoholic beverages. Ought to pass. Rep. Hamel for Transportation.

Changes "shall" to "may" in the present law. Will allow the use of discretion if a minor is caught with liquor in his car. Currently the director **MUST** take his license even if the minor is innocent.

Ordered to third reading.

**SENATE MESSAGE  
CONCURRENCE**

HB 68, prohibiting the hunting or taking of white deer, and defining the same.

HB 174, amending the charter of the Manchester Children's Home.

HB 217, relating to occupational health services.

## FURTHER SENATE MESSAGE INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 29, relative to investigating cases of abandonment and neglect of dependents. — Judiciary.

SB 71, establishing a study committee to report on the feasibility of making available state owned recreational areas to disadvantaged New Hampshire residents. Public Health and Welfare.

## BILLS PLACED ON CALENDAR UNDER RULE 57

Executive Departments and Administration

HB 257, relative to sick leave for state employees.

Fish and Game

HB 347, relative to the manner and season for the taking of fin fish or crustaceans in estuarine or coastal waters and relative to trawling licenses.

Resources, Recreation and Development

HB 163, relative to open space being used for recreational purposes.

To be placed on the calendar for April 15.

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The Speaker reminded the House that all bills containing an appropriation must be reported by the first committee to the floor of the House no later than Thursday, April 22nd.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet Tuesday next at 1:00 o'clock.

## LATE SESSION

Third reading and final passage by House

SB 56, relative to the suspension of motor vehicle licenses of minors in possession of alcoholic beverages.

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On motion of Rep. Noble the House adjourned at 11:19 a.m.

*Tuesday, 13 Apr 71*

The House met at 1:00 o'clock.

### JOINT CONVENTION

Prayer was offered by House Chaplain, Rev. William L. Shafer.

SHALOM . . . GOD of Israel, Father of mankind, as we participate in the festival of Passover our thoughts turn back to the days of Egypt, when Israel dwelt in bondage, knowing the cruelty of the Pharaohs. In Moses Thou didst raise up a deliverer bearing Thy message: "Let my people go, that they may serve Me!" Right triumphed over might, and justice over oppression as Thou didst lead Thy people forth to a new land of freedom. O Father, how great are Thy justice and mercy, unto all generations of those who love Thee and keep Thy commandments. We thank Thee, O Lord our God, for this holy season which recalls to our minds the great deliverance Thou didst work for Israel. Slaves were our forefathers in Egypt. Cause the memory of that Slavery to abide within our souls, so that we may never oppress other men, nor act with haughty pride toward the weak and defenseless. Each year may we learn to dedicate ourselves anew to the cause of human freedom. May the memory of the Passover ever bring us courage and faith. Amen.

(PASSOVER PRAYER — adapted, ex. UNION HYMNAL, Songs and Prayers for Jewish Worship, Third Edition, 1949.)

Rep. Margaret Cote led the Pledge of Allegiance.

### HOUSE LEAVES OF ABSENCE

Rep. McGinness, the day, illness.

Reps. Fernald and Boire, the week, illness.

Rep. Fleming, the week, important business.

Rep. Connors, indefinite, illness.

Rep. McCarthy, two weeks, illness.

Rep. Churchill, the day, important business.

Rep. Urie, two weeks, important business.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 770 through 782 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 770, to improve eminent domain procedure and making an appropriation therefor. (Andrews of Merrimack Dist. 1 — To Judiciary.)

HB 771, raising the classification of liquor investigator and making an appropriation therefor. (Fleming of Sullivan Dist. 8 — To Executive Departments and Administration.)

HB 772, providing for recovery of costs, attorney fees, and expenses by a citizen in an action against a public official. (Dion of Hillsborough Dist. 29 — To Judiciary.)

HB 773, relative to recording instruments with the register of deeds, (Huot of Belknap Dist. 9 — Municipal and County Government.)

HB 774, relative to county bonds and notes. (Cheney of Merrimack Dist. 23 — To Municipal and County Government.)

HB 775, to require the welfare department to notify recipients in writing of changes in policy. (Croft of Rockingham Dist. 29 — To Public Health and Welfare.)

HB 776, relative to the duties of the Mount Washington commission. (Howard of Carroll Dist. 1 — To Environmental Quality and Agriculture.)

HB 777, relative to investigation of certain deaths. (Howard of Carroll Dist. 1 — To Judiciary.)

HB 778, requiring license examinations of drivers and safety inspections of vehicles involved in fatal accidents. (Smith of Rockingham Dist. 7 — To Transportation and Aeronautics.)

HB 779, establishing rules of the road for the operation of bicycles. (Davis of Carroll Dist. 2; Stevenson of Grafton Dist. 1 — To Transportation and Aeronautics.)

HB 780, relative to the Hillsborough county treasurer. (Barrett of Hillsborough Dist. 28 — To Special Committee — Hillsborough County Delegation.)

HB 781, to lower the drinking age to eighteen when the minor is in the company of an adult. (Murray of Hillsborough Dist. 7 — To Liquor Laws.)

HB 782, increasing the power of the state fire marshal and making him directly responsible to the commissioner of safety; increasing the membership of the state board of fire control and making its functions advisory. (Bigelow of Merrimack Dist. 3; Roberts of Belknap Dist. 6; Vachon of Hillsborough Dist. 40 — To Banks and Insurance.)

## SENATE MESSAGE

### SENATE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 318, relating to the town of Gorham.  
(Amendment in Senate Journal April 8.)

Rep. Hanson moved that the House concur with the Senate Amendment.

Adopted.

HB 292, conveying a certain portion of land which was formerly part of Silver Lake in the town of Madison to J. Donald Hayes and Dorothy V. Hayes.

(Amendment in SJ of April 8, 1971.)

Rep. Hanson moved that the House concur with the Senate amendment.

Adopted.

FURTHER SENATE MESSAGE  
SENATE ADOPTION  
ENROLLED BILLS AMENDMENT

HB 246, authorizing the use of breath tests to determine the percentage of alcohol in the bloodstream of motor vehicle operators.

(See House Journal, p. 655.)

FURTHER SENATE MESSAGE  
CONCURRENCE ON

HB 64, empowering the pesticides control board to prohibit or restrict the sale and use of certain pesticides.

HB 67, providing for Port Authority appointed pilots to pilot certain vessels in the Piscataqua river and harbor.

HB 82, relative to the expenditure of funds in urban renewal programs.

HB 194, relative to payment of vacation wages.

HB 231, requiring that the articles of agreement of voluntary corporations and associations provide for the disposition of the assets of such corporations upon their dissolution.

HB 345, to increase the permissible maximum dollar limit of certain force account contracts.

FURTHER SENATE MESSAGE  
INTRODUCTION OF CACR  
First, second reading and referral

CACR 18, Relating to: The Limitation of Payment of Mileage for Regular Sessions For No More Than Sixty Days In Any One Year And For No More Than Ninety Days In Any Biennium. Constitutional Revision.

INTRODUCTION OF SB's  
First, second reading and referral

SB 67, to permit a licensee forty-eight hours to present license and registration to law enforcement officials after a lawful request therefor. Transportation.

SB 125, to repeal certain statutes relative to the width of rims of wagon wheels and to chaining wheels on hills. Transportation.

## COMMITTEE REPORTS

### HB 94

appropriating funds to assist the Lebanon Regional Airport Authority. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend section 1 of the bill by striking out in lines two and three the words "six thousand four hundred" and inserting in place thereof the words (five thousand), so that said section as amended shall read as follows:

1 Appropriation. In addition to any other appropriations for the aeronautics commission there is hereby appropriated the sum of five thousand dollars for the purpose of assisting the Lebanon Regional Airport Authority in costs of operation and maintenance of the Lebanon Regional Airport from January 1 through June 30, 1971. The governor is hereby authorized to draw his warrant for the additional appropriation out of any money in the treasury not otherwise appropriated.

Amend section 2 of the bill by inserting in line nine after the word "transferred" the words (from the aeronautical sinking fund); and by striking out in line seven the words "six thousand four hundred" and inserting in its place the words (five thousand), so that said section as amended shall read as follows:

2 Condition of Appropriation. Funds hereby appropriated shall be a charge against scheduled air carrier service fees originating at Lebanon Regional Airport and to be allocated to the Lebanon Regional Airport Authority in accordance with the provisions of RSA 422:43 as amended by 1969, 391. One-half of amounts available for return to the Lebanon Regional Airport shall be retained by the state treasurer until the sum of five thousand dollars has accumulated. This amount shall represent repayment, in full, of the appropriation herein provided and said funds hereby accumulated shall be transferred from the aeronautical sinking fund to the general fund account of the state.

Amendment adopted.

Ordered to third reading.

### **HB 312**

requiring information reporting agencies to inform subject individuals of such reports and to make a subject's file available to him for inspection and correction. Ought to pass with amendment. Rep. Lamy for Banks and Insurance.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

enacting the fair credit reporting act.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 359-A the following new chapter:

#### **Chapter 359-B**

#### **Consumer Credit Reporting**

359-B:1 Short Title. This chapter may be cited as the Fair Credit Reporting Act.

#### **359-B:2 Findings and Purpose.**

I. The general court makes the following findings:

(a) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

(b) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

(c) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

(d) There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

II. It is the purpose of this chapter to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this chapter.

### 359-B:3 Definitions and Rules of Construction.

I. Definitions and rules of construction set forth in this section are applicable for the purposes of this chapter.

II. The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

III. The term 'consumer' means an individual.

IV. The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under RSA 359-B:4. The term does not include (1) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (2) any authorization or approval of a specific extension of credit or indirectly by the issuer of a credit card or similar device; or (3) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under RSA 359-B:15.

V. The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

VI. The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative non-profit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

VII. The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded, and retained by a consumer reporting agency regardless of how the information is stored.

VIII. The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

IX. The term 'medical information' means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

#### 359-B:4 Permissible Purposes of Reports.

I. A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

(a) In response to the order of a court having jurisdiction to issue such an order.

(b) In accordance with the written instructions of the consumer to whom it relates.

(c) To a person which it has reason to believe —

(1) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

(2) intends to use the information for employment purposes; or

(3) intends to use the information in connection with the underwriting of insurance involving the consumer; or

(4) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(5) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

#### 359-B:5 Obsolete Information.

I. Except as authorized under paragraph II, no consumer reporting agency may make any consumer report containing any of the following items of information:

(a) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

(b) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

(c) Paid tax liens which, from date of payment, antedate the report by more than seven years.

(d) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years.

(e) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.

(f) Any other adverse item of information which antedates the report by more than seven years.

II. The provisions of paragraph I are not applicable in the case of any consumer credit report to be used in connection with:

(a) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(b) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(c) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal twenty thousand dollars, or more.

#### 359-B:6 Disclosure of Investigative Consumer Reports.

I. A person may not procure or cause to be prepared an investigative consumer report on any consumer unless:

(a) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure

(1) is made in writing mailed, or otherwise delivered, to the consumer, not later than three days after the date on which the report was first requested, and

(2) includes a statement informing the consumer of his right to request the additional disclosures provided for under paragraph II, or

(b) the report is to be used for employment purposes for which the consumer has not specifically applied.

II. Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by paragraph I (a), shall make a complete and accurate disclosure of the nature and scope of the investigation requested.

This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

III. No person may be held liable for any violation of paragraph I or II if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with paragraph I or II.

#### 359-B:7 Compliance Procedures.

I. Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of RSA 359-B:5 and to limit the furnishing of consumer reports to the purposes listed under RSA 359-B:4. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in RSA 359-B:4.

II. Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

359-B:8 Disclosures to Governmental Agencies. Notwithstanding the provisions of RSA 359-B:4, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

#### 359-B:9 Disclosures to Consumers.

I. Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

(a) The nature and substance of all information (except medical information) in its files on the consumer at the time of the request.

(b) The sources of the information; except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed: provided, that in the event an action is brought under this chapter, such sources shall be available to the plaintiff under appropriate discovery procedures in the court in which the action is brought.

(c) The recipients of any consumer report on the consumer which it has furnished:

(1) for employment purposes within the two-year period preceding the request, and

(2) for any other purpose within the six-month period preceding the request.

II. The requirements of paragraph I respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of this chapter except to the extent that the matter involved is contained in the files of the consumer reporting agency on that date.

#### 359-B:10 Conditions of Disclosure to Consumers.

I. A consumer reporting agency shall make the disclosures required under RSA 359-B:9 during normal business hours and on reasonable notice.

II. The disclosures required under RSA 359-B:9 shall be made to the consumer:

(a) in person if he appears in person and furnishes proper identification; or

(b) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

III. Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to RSA 359-B:9.

IV. The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

V. Except as provided in RSA 359-B:16 and 17, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to RSA 359-B:9, 10 or 15, except as to false information furnished with malice or willful intent to injure such consumer.

#### 359-B:11 Procedure in Case of Disputed Accuracy.

I. If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

II. If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such assistance in writing a clear summary of the dispute.

III. Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

IV. Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to paragraph I or II to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall clearly and conspicuously disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

359-B:12 Charges for Certain Disclosures. A consumer reporting agency shall make all disclosures pursuant to RSA 359-B:9 and furnish all consumer reports pursuant to RSA 359-B:11, IV, without charge to the consumer if, within thirty days after receipt by such consumer of a notification pursuant to RSA 359-B:15 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under RSA 359-B:9 or 11, IV. Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to RSA 359-B:9, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to person designated by the consumer pursuant to RSA 359-B:11, IV, the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

359-B:13 Public Record Information for Employment Purposes. A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose

complies and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall:

I. at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

II. maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

359-B:14 Restrictions on Investigative Consumer Reports. Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date of the subsequent report is furnished.

359-B:15 Requirements on Users of Consumer Reports.

I. Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

II. Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit

standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

III. No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of paragraph I and II.

359-B:16 Civil Liability for Willful Noncompliance. Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this chapter with respect to any consumer is liable to that consumer in an amount equal to the sum of:

I. any actual damages sustained by the consumer as a result of the failure;

II. such amount of punitive damages as the court may allow; and

III. in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

359-B:17 Civil Liability for Negligent Noncompliance. Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of:

I. any actual damages sustained by the consumer as a result of the failure;

II. in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

359-B:18 Jurisdiction of Courts; Limitation of Actions. An action to enforce any liability created under this chapter

may be brought in any court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this chapter to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this chapter, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

359-B:19 Obtaining Information Under False Pretenses. Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than five thousand dollars or imprisoned not more than one year, or both.

359-B:20 Unauthorized Disclosures by Officers and Employees. Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency's files to a person not authorized to receive that information shall be fined not more than five thousand dollars or imprisoned not more than one year, or both.

359-B:21 Administrative Enforcement. Compliance with the requirements imposed under this chapter shall be enforced by the consumer protection division in the office of the attorney general.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

## **HB 251**

providing that the provisions of the constitution of New Hampshire shall establish the age of voters. Ought to pass. Rep. Harvell for Constitutional Revision.

This is a housekeeping change in the Revised Statutes Annotated which will make them conform to the state constitution.

On request of Rep. Palmer, Rep. Russell Chase explained the bill.

Ordered to third reading.

Rep. Drake offered the following Resolution:

### HOUSE RESOLUTION

*Be It Resolved by the House of Representatives:*

That the appropriations committee is hereby directed, in order to comply with the provisions of House Rule 32 (a) reading:

"The Committee shall submit to the House on or before May 1 a budget bill for the biennium which submits a budget balanced within existing revenue sources as of January 1st, as set forth in the revenue resolution provided for by House Rule 32 in the portion thereof relative to the duties of the Ways and Means Committee in the amount last adopted by the House prior to May 1."

to submit a budget bill on or before May 1 which uses only the balance of estimated revenue remaining after the amount of estimated revenue adopted by the House on April 6, 1971 is reduced by the amount of estimated deficit as of June 30, 1971.

The Clerk read the Resolution in full.

Rep. Drake explained the Resolution.

(Discussion)

Rep. Trowbridge moved that Rep. Drake's Resolution be made a Special Order for 11:01 tomorrow and spoke in favor of his motion.

Rep. Coutermarsh spoke in favor of the motion.

Adopted.

The Speaker instructed the Clerk to print the discussion on Rep. Drake's Resolution in the Journal.

(Will be printed in Journal of April 14)

### COMMITTEE REPORTS CONTINUED

**HB 494**

relative to tax exemption for water and air pollution control facilities. Ought to pass. Rep. Greene for Environmental Quality and Agriculture.

Transfer responsibility for tax exemptions for air pollution control devices from the Water Supply and Pollution Control Commission to the Air Pollution Control Commission.

Ordered to third reading.

#### **HB 15**

relative to the practice of public accountancy and making an appropriation therefor. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

An agreed bill — finally! Amends and updates old accountancy bill which just licensed CPAs.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I New Chapter. Amend RSA by inserting after chapter 309 the following new chapter:

#### **Chapter 309-A Accountancy**

309-A:1 Definitions. The words and phrases defined below shall have the following meaning, unless the context clearly indicates otherwise:

I. Certified public accountant is a person holding a certificate issued under RSA 309-A:3 or 6.

II. Public accountant is a person licensed under RSA 309-A:8.

III. Accounting practitioner is a person registered under RSA 309-A:10.

IV. The practice of public accountancy is the holding of one's self out to the public as skilled in the knowledge, science, and practice of accounting; as qualified and ready to render professional services therein for compensation, and the performing of such work as an accountant for more than one person or entity on a fee basis, in any of the following services: auditing; devising and installing accounting systems; recording and presentation of financial information or data; verification of ac-

counts; provided, that other services, including the selling and installing of computers and bookkeeping equipment and forms, the preparation of tax returns, the rendering of routine bookkeeping and accounting functions through the use of computers and other machinery, and the performance of bookkeeping services only shall not be construed as the practice of public accounting if no representation is made that the person performing such services is a certified public accountant, a licensed public accountant, or an accounting practitioner.

V. The practice of public accountancy with the attest function is the preparing or rendering of accounting opinions or certifications on financial statements, schedules, reports or exhibits for publication, credit purposes, use in courts of law or equity, and for other purposes involving third parties.

#### 309-A:2 Board of Accountancy.

I. There shall be a board of accountancy consisting of five members to be appointed by the governor with the advice and consent of the council. Three of the members of said board shall be certified public accountants who have held certificates as such from the state of New Hampshire for a period of at least five years immediately preceding their appointment, and at least two of said certified public accountants shall be actively engaged in the practice of public accountancy at the time of their appointment. Two of the members of the board shall be noncertified public accountants, who at the time of their appointment shall be licensed as public accountants under the provisions of RSA 309-A:8, and for a period of at least five years immediately preceding their appointment, shall have been actively engaged in the practice of public accountancy.

Commencing with appointments made from and after January 1, 1980, accounting practitioners may be appointed to the board in place of one or both public accountant members.

Each member shall be appointed for a term of three years and until his successor is appointed and qualified. No persons shall be appointed to serve more than two terms. Appointment to fill an unexpired term is to be considered as serving a complete term. Vacancies shall be filled by the governor with the advice and consent of the council for the unexpired term. The governor with the advice and consent of the council may remove any member of the board for neglect of duty or other just cause.

The board shall organize by the election of a chairman and a secretary-treasurer and may make all rules and regulations necessary to carry into effect the purposes of this chapter. Such rules and regulations shall be published and a copy delivered to all persons certified, licensed or registered under this chapter. A quorum shall consist of not less than three members one of whom shall be a public accountant or accounting practitioner member.

The board shall have a seal which shall be judicially noticed. The board shall keep a record of all proceedings and actions by and before the board, and in any proceeding in a court, the certificate under seal of the board shall be prima facie evidence of any proceeding or action by or before the board stated in the certificate.

II. Members of the board shall be compensated in the amount of twenty-five dollars a day for each day actually engaged in the duties of the office. In addition, the secretary-treasurer shall be compensated in an amount to be determined by the board, but not to exceed twelve hundred dollars per annum. The board shall have printed and published for public distribution biennially, a register which shall contain the names, arranged alphabetically by classifications, of all persons holding certificates, licenses or registrations and having current permits to practice under this chapter; the names of the members of the board; and such other matters as may be deemed proper by the board. Copies of said registers shall be mailed to each certificate holder, each license holder, and each registration holder.

III. The board shall promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy, which code of ethics shall be binding on all persons practicing public accountancy temporarily or permanently in this state. At least sixty days prior to the promulgation of any such rule or amendment, the board shall mail copies thereof to all holders of certificates or licenses, or registrations issued under this chapter. Such copies shall contain a notice advising the addressee of the proposed effective date of the rule or amendment and requesting that he submit his comments thereon, if any, at least fifteen days prior to such effective date. Such comments shall be advisory only.

IV. Notwithstanding any other provision of this section, all matters pertaining to certified public accountants, including but not limited to the examination and certification of certified public accountants, and to the practice of accounting by certified public accountants, shall be within the exclusive jurisdiction of the certified public accountant members of the board, and when such matters are before the board, a majority of the certified public accountant members shall constitute a quorum.

309-A:3 Certified Public Accountants. The certificate of "certified public accountant" shall be granted by the board to any person who:

I. is a resident of this state or has a place of business therein or as an employee is regularly employed therein, at the time of his application;

II. has attained the age of twenty-one years;

III. is of good moral character;

IV. shall have passed a written examination in theory of accounts, in accounting practice, in auditing, and in such other related subjects as the board shall determine to be appropriate and

V. who meets the educational and experience requirements as provided in RSA 309-A:4.

309-A:4 Educational and Experience Requirements. The minimum educational and experience requirements for certified public accountants shall be as prescribed in this section:

I. The minimum educational requirements shall be;

(a) Prior to January 1, 1973, the equivalent of a high school education.

(b) After January 1, 1973 and prior to January 1, 1976, the satisfactory completion of two years of college, or equivalent.

(c) After January 1, 1976, the satisfactory completion of four years of college, or equivalent.

II. The experience requirement shall consist of public accounting experience, satisfactory to the board, in any state in practice as a certified public accountant or as a public account-

tant, or, in any state in employment as a staff accountant by anyone practicing public accounting, or a combination of either of such types of experience and for the following periods of time;

(a) Three years for a candidate with less than four years of college, or equivalent.

(b) Two years for a candidate with four years of college, or equivalent.

(c) One year for a candidate holding a master's degree in accounting or business administration, if he has satisfactorily completed such number of semester hours in accounting, business administration and economics and such related subjects as the board shall determine to be appropriate.

III. Experience obtained in the employment of a governmental agency in the following areas may be accepted by the board in its discretion as qualifying experience under this section:

(a) In auditing the books and accounts of non-governmental entities in three or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards; or

(b) In a combination satisfactory to the board of the experience described in (a) above, together with auditing the books and accounts or activities of three or more governmental agencies or distinct organizational units in accordance with generally accepted auditing standards and reporting on their operations to a third party, to the congress, or to a state legislature; or

(c) In a combination satisfactory to the board of the experience described in (a) above, together with reviewing financial statements and supporting material covering the financial condition and operations of non-governmental entities engaged in three or more distinct lines of commercial or industrial business to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable government regulations for the protection of investors and consumers.

IV. None of the educational requirements specified herein shall apply to a candidate who, on the effective date of this chap-

ter, has applied to and has been accepted by the board to take the examination.

309-A:5 Examination. Any person who meets the requirements for a certificate except the requirement for experience shall be entitled to be examined. The board may make such use of all or any part of the Uniform Certified Public Accountants' Examination and Advisory Grading Service as it deems appropriate to assist it in performing its duties hereunder. All examinations shall be conducted by the board at a time and place designated by the board, and shall take place as often as may be necessary in the opinion of the board but not less frequently than once each year. A candidate who shall have passed the examination in at least two of the subjects given by the board shall receive credit for these subjects, and may be reexamined in only the remaining subjects. The board may, at its discretion, allow credit for all or part of an examination taken in another state or territory, if, in the opinion of the board, the examination is essentially the same as that given in this state. When the candidate passes any of the remaining subjects he shall receive credit for each subject so passed. No candidate shall be required to be reexamined in any subject for which the board has previously granted credit, for a period of five years after he has received such credit. Nothing herein shall be construed as prohibiting the reexamination in all subjects of a candidate who has failed in a prior examination. The board shall charge for the initial examination provided for herein a fee which shall be set by the board in an amount not to exceed seventy-five dollars. This fee shall be payable by the applicant at the time of making application. In case the application is rejected, the fee shall be refunded. Fees for reexamination as provided above shall be charged by the board in amounts determined by it, but not in excess of fifteen dollars for each subject in which the candidate is reexamined. No additional fee shall be charged for the certificate of a successful applicant.

309-A:6 Exceptions. Nothing herein shall be construed as revoking any certificate as certified public accountant heretofore issued under P.L. 270, R.L. 320, or RSA 309, or amendments thereto, provided the holder of such certificate has complied with the provisions thereof relating to annual registration. Credits for parts of the C.P.A. examination earned under pre-existing law shall also be honored under this chapter as fully

as though acquired hereunder. The board may, in its discretion, waive the examination but not the other requirements of RSA 309-A:3, and issue a certificate as certified public accountant to any person who holds a certificate as certified public accountant issued under the laws of any other state or territory, provided the requirements for such certificate in such state or territory are, in the opinion of the board, equivalent to those herein required; or who is the holder of a certificate, license or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in full force and effect, and further provided that such states, territories and foreign countries shall extend reciprocal rights and privileges to residents of New Hampshire under similar circumstances.

309-A:7 Partnerships. Nothing contained in this chapter shall prevent a partnership from using the words "certified public accountants" or the abbreviation "C.P.A.s" in connection with its firm name provided that the resident partners or managers of such partnership directly engaged in the conduct of such practice within this state shall hold C.P.A. certificates issued hereunder, and each partner thereof must be a certified public accountant of some state in good standing.

#### 309-A:8 Licensed Public Accountants.

I. A license as a public accountant shall be granted by the board to any person who is a resident of this state or has a place of business therein or as an employee is regularly employed therein, has attained the age of twenty-one years, is of good moral character and who, on the effective date of this chapter

(a) was holding himself out to the public as a public accountant and was engaged within this state in the practice of public accounting as his principal occupation on his own account or as a member of a firm of public accountants, or

(b) was employed as a staff accountant by a certified public accountant or firm of certified public accountants or by a public accountant or firm of public accountants and had been so employed, whether by one or more such employers, for a period of two years immediately preceding such effective date, or

(c) was employed by a governmental agency, federal, state or municipal, performing work substantially equivalent to that customarily performed by a person qualifying under (B), and had been so employed, whether by one or more such employers, for the period of two years immediately preceding such effective date, or

(d) was serving in the armed forces of the United States and at the time of entering such service met the requirements specified in (a), (b), or (c).

II. A person eligible for licensing as a public accountant may apply to the board for such license within one year from the effective date hereof, except that an eligible person serving in the armed forces on such effective date may apply for a license within one year from the date of his discharge or release from such service. Applications shall be made upon forms furnished by the board. Any person who on the effective date hereof would be eligible for a license as a public accountant but for those provisions of paragraph I hereof which specify a certain period of employment as a condition of eligibility may, within one year from the effective date, file with the board a certificate of intention in a form prescribed by the board; and upon the completion of the period of employment so specified under rules and regulations prescribed by the board, such person shall be entitled to a license as a public accountant.

III. The board may issue a license as a public accountant to any person possessing the qualifications of residence, age and character prescribed in paragraph I of this section who, on the effective date of this chapter was the holder of a license as a public accountant issued under the laws of any state, provided the requirements for such license in the state in which it was granted were, in the opinion of the board, equivalent to the requirements in this state at the time the applicant's original license was issued, and provided, further, that such state extends the same rights and privileges to public accountants holding licenses issued under the laws of this state.

IV. A person licensed by the board under this section shall be known as a "licensed public accountant". Public accountants licensed hereunder shall have all the rights and privileges to which they were entitled prior to the enactment hereof, and shall be bound by the same code of ethics as are certified public accountants.

V. The board shall charge as an application fee for a license as a public accountant a nonrefundable fee not to exceed twenty-five dollars, payable at the time of making application. The fee for filing a certificate of intention shall not exceed ten dollars, payable at the time of filing such certificate of intention.

309-A:9 Partnerships of Public Accountants. Nothing contained in this chapter shall prevent a partnership from using the words "licensed public accountants" in connection with its firm name, provided that the resident partners or managers of such partnership directly engaged in the conduct of such practice within this state shall be public accountants licensed hereunder, and each partner thereof must be a licensed or registered public accountant of some state in good standing.

#### 309-A:10 Accounting Practitioners.

I. Registration as an accounting practitioner shall be granted by the board to any person who is a resident of this state or has a place of business therein, or as an employee is regularly employed therein, has attained the age of twenty-one years, is of good moral character, and who

(a) shall have satisfied the educational requirements set forth under RSA 309-A:4, I, (a) (b) ; and

(b) shall have passed the parts of the written examination administered under RSA 309-A:3, IV designated as accounting practice and auditing.

II. The board may issue a registration as an accounting practitioner to any person possessing the qualifications of residence and character described in paragraph I of this section, who, on the date of application for such registration, is the holder of a registration as an accounting practitioner issued under the laws of any other state, provided that the requirements for such registration in the state in which it was granted were, in the opinion of the board, equivalent to the requirements in this state at the time the applicant's original registration was issued, and provided further that such state extends the same privilege to accounting practitioners being registered under the laws of this state. For the purpose of this section, the title by which such other state designates its accountants shall not be controlling, but the matter shall be controlled by the substantive

requirements, whether such accountants be called accounting practitioners, public accountants, or by any other title whatsoever.

III. A person registered by the board under this section shall be known as an "accounting practitioner". Accounting practitioners shall be authorized to practice public accountancy as defined in RSA 309-A:1, IV, but shall not be authorized to practice public accountancy with the attest function, as defined in RSA 309-A:1, V.

IV. The board shall charge as an application fee for registration as an accounting practitioner a non-refundable fee, not to exceed fifty dollars, payable at the time of making application.

309-A:11 Annual Permits. Annually, each certified public accountant, each licensed public accountant, and each accounting practitioner shall file at the office of the board, giving his then residence and place of business and such other information as the board may require. The board shall have the power to designate the date of filing. The annual fee for such filing shall be set by the board in an amount not to exceed twenty-five dollars. The board shall thereupon file a duplicate of the filing in the office of the secretary of state. Each accountant filing shall be entitled to a permit from the board setting forth the fact of the annual filing, payment of the fee, and recording thereof. The fees collected under this chapter shall be paid into the state treasury, and the state treasurer, on warrant of the governor, shall pay out of the funds so paid into the treasury all expenses incident to the examination, the expenses of issuing certificates, licenses and registration, and fees and expenses of the members of the board while performing their duties, and shall also place in the hands of the board as a working fund such sums as the governor may approve, the same to be advanced out of the fees paid into the treasury by the board. An account thereof shall be made to the state treasurer in accordance with the manual of procedures. No expenses incurred under this chapter shall be a charge against the general funds of the state.

309-A:12 Acts Declared Unlawful.

I. No person shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certi-

fied public accountant, unless such person has received a certificate as a certified public accountant under RSA 309-A:2 or 5 and holds a permit issued under RSA 309-A:11 which is not revoked or suspended.

II. No person shall assume or use the title or designation "licensed public accountant" or abbreviation "L.P.A." or "P.A.", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a licensed public accountant unless such person has received a certificate or license issued under this chapter and holds a permit issued hereunder which is not revoked or suspended.

III. No person shall assume or use the title or designation "accounting practitioner" or abbreviation "A.P.", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is an accounting practitioner unless such person has received a registration issued under this chapter and holds a permit issued hereunder which is not revoked or suspended.

309-A:13 Practice of Public Accountancy. No person shall engage in the practice of public accountancy as defined in RSA 309-A:1, IV unless such person is the holder of a certificate, a license, or a registration issued by the board under this chapter. Nothing herein contained shall be construed to prohibit a certified public accountant, a licensed public accountant, or an accounting practitioner of another state from temporarily practicing accountancy in this state in the performance of professional engagements originating in such other state as an incident to his regular practice of accountancy in such other state, provided that such temporary practice is conducted in conformity with the rules and regulations of professional conduct promulgated by the board of this state.

309-A:14 Practice of Public Accountancy with the Attest Function. No person shall engage in the practice of public accountancy with the attest function, as defined in RSA 309-A:1, V, in this state unless such person is a certified public accountant or a licensed public accountant under this chapter. Persons who are certified public accountants, or licensed public accountants of other states, may practice public accountancy with the attest function in this state on a temporary basis in the performance of professional engagements originating in such other state as an

incident to their regular practice in such other state, provided that such temporary practice is conducted in conformity with the rules and regulations of professional conduct promulgated by the board of this state.

309-A:15 Exceptions. Nothing contained in this chapter shall:

I. Prohibit any person from serving as an employee of any other person, partnership, or corporation and perform accountancy functions for his employer, provided that such employee does not engage in the practice of public accountancy as defined in RSA 309-A:1.

II. Prohibit any person from keeping sets of books or preparing tax reports for more than one employer as employee.

III. Prohibit any person from serving as an employee of or assistant to a certified public accountant or licensed public accountant or co-partnership or corporation engaged in practice as certified public accountants or licensed public accountants, provided that such employee or assistant shall work under the control and supervision of a certified public accountant or licensed public accountant authorized to practice as such under this chapter.

IV. Prohibit the offering or rendering of data processing services by mechanical or electronic means, nor to the offering or rendering of services in connection with the operation, sale, lease, rental or installation of mechanical or electronic bookkeeping or data processing equipment, nor to the sale, lease, rental or installation of such equipment.

V. Prevent any national bank or banking organization subject to the supervisory jurisdiction of the bank commissioner or any bank exercising fiduciary powers or any service organization as described in RSA 384:16-b or any employee of any of such entities, from performing any act or service customarily incident to its usual bookkeeping and accounting services for itself or in relation to its customers or in the performance of its fiduciary powers and duties.

309-A:16 Revocation or Suspension of Certificate, License, Registration or Permit; and Censure. After notice and hearing as provided in RSA 309-A:19, the board may revoke or may suspend for a period not to exceed two years any certificate, li-

cense or registration issued under this chapter; or may refuse to renew any permit issued under this chapter; or may censure the holder of any such certificate, license, registration or permit, for any one or combination of the following causes:

I. Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining a license as a public accountant, or in obtaining a permit to practice under this chapter.

II. Dishonesty, fraud or gross negligence in the practice of public accounting.

III. Violation of any of the provisions of RSA 309-A:10.

IV. Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter.

V. Conviction of a felony under the laws of any state or of the United States.

VI. Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States.

VII. In the case of a certified public accountant, cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant by any other state, for any cause other than failure to pay an annual registration fee in such other state; and in the case of a licensed public accountant or an accounting practitioner, cancellation, revocation, suspension or refusal to renew authority to practice by any other state, for any cause other than failure to pay an annual registration fee in such other state.

VIII. Failure of a certificate holder or license or registration holder to obtain an annual permit under RSA 309-A:11 within either

(a) three years from the expiration date of the permit to practice last obtained or renewed by said holder, or

(b) three years from the date upon which such holder was granted his certificate, license or registration, if no permit was ever issued to him, unless the board in its discretion determines such failure to have been due to excusable neglect.

IX. Conduct discreditable to the public accounting profession.

309-A:17 Reinstatement. Upon application in writing and after hearing pursuant to notice, the board may issue a new certificate to a certified public accountant, or a new license or registration to any person whose certificate, license or registration shall have been revoked, or may reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended.

309-A:18 Ownership of Accountant's Working Papers. All statements, records, schedules, working papers, and memoranda made by a certified public accountant, by a licensed public accountant, or an accounting practitioner, incident to or in the course of professional service to clients by such accountant, except reports submitted by him to a client, shall be and remain the property of such accountant, in the absence of an express agreement between such accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum shall be sold, transferred or bequeathed, without the consent of the client or his personal representative or assignee, to anyone other than one or more surviving partners or new partners of such accountant.

309-A:19 Proceedings. The board may initiate proceedings under this chapter on its own motion or on the complaint of any person. A written notice setting forth the nature of any charge or charges against the holder of a certificate license or registration and the time and place of hearing shall be given in hand to any such person or sent by registered or certified mail to his last known address or last place of business at least ten days before any hearing. The board or any member thereof shall have the power to subpoena witnesses and administer oaths in any proceedings or examination instituted before or conducted by it and to compel the production of any papers or documents of any kind necessary to the purposes thereof. Witnesses summoned before the board shall be paid the same fees as witnesses summoned before the superior court and such subpoenas issued by any member of the board or by any justice of the peace shall have the same effect as though issued for appearance before the superior court. In case of disobedience to a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence. The board shall not be bound by technical rules of evidence, but shall take testimony only under oath. A stenographic record of hearing shall be kept and a

transcript thereof filed with the board. At all hearings, the attorney general, or one of his assistants, or such other legal counsel as may be employed, shall appear and represent the board. The decision of the board shall be by the majority vote thereof. The provisions of RSA 541 shall govern the procedure for rehearings and appeals on behalf of any party adversely affected by any order or decision of the board.

309-A:20 Injunction Against Unlawful Act. Whenever in the judgment of the board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of this chapter, the board may make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices an injunction, restraining order, or such other order as may be appropriate shall be granted by such court.

309-A:21 Misdemeanors; Penalty. Any person who violates any provision of RSA 309-A:10, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or be imprisoned for not more than six months, or both. Whenever the board has reason to believe that any person is liable to punishment under this section it may certify the facts to the attorney general or other appropriate enforcement officer, who may, in his discretion, cause appropriate proceedings to be brought in the superior court.

2 Repeal. RSA 309 as amended by 1963, 233 relating to the practice of accountancy is hereby repealed.

3 Appropriation, 1972. The sum of seventy-eight hundred dollars is hereby appropriated for the fiscal year ending June 30, 1972 for the board of accountancy to be expended as follows:

Other Personal Services .....	\$2,500.00
Current Expenses .....	\$5,000.00
Travel .....	\$ 300.00
	<hr/>
Total .....	\$7,800.00

The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

4 Appropriation, 1973. The sum of seventy-eight hundred dollars is hereby appropriated for the fiscal year ending June 30, 1973 for the board of accountancy to be expended as follows:

Other Personal Services .....	\$2,500.00
Current Expenses .....	\$5,000.00
Travel .....	\$ 300.00
<hr/>	
Total .....	\$7,800.00

The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

5 Limitation of Funds. The board of accountancy shall not be entitled to any state appropriation during the fiscal year ending June 30, 1971.

6 Effective Date. This act shall take effect sixty days after its passage.

On request of Rep. Higgins, Rep. Shirley Clark explained the amendment.

Amendment adopted.

Referred to Appropriations.

### HB 539

authorizing the state fire marshal to promulgate certain fire safety regulations. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administrations.

Bill apparently misdrafted — doesn't do anything. Everyone opposed on basis bill does nothing.

Resolution adopted.

### HB 550

providing copies of the Revised Statutes Annotated for attorneys in the office of attorney general. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Updates present statute which allows only seven copies of the RSA for attorney general's office — now have more attorneys.

Ordered to third reading.

**HB 556**

establishing a committee to review proposed real estate acquisition by the state. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

No one showed up for or against the bill at hearing.

Resolution adopted.

**HB 272**

requiring fishways to be built on certain dams. Ought to pass with amendment. Rep. Maynard for Fish and Game.

Amends all after the title. Upon the request of a dam owner, the Governor with advice of council, shall appoint a commission of three to determine the need and cost.

**AMENDMENT**

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 Construction of Dams. Amend RSA 211:8 by striking out said section and inserting in place thereof the following: 211:8 Obstructions. No person shall, by means of rack, screen, weir or other obstruction, in any stream or river, or the inlet or outlet of a public pond, prevent the passage of fish except as provided in RSA 211:8-d.

2 Construction of Fishways. Amend RSA 211 by inserting after section 8 the following new section:

211:8-a Fishways at Existing Dams or Obstructions. Fish passage facilities shall be constructed and maintained at existing dams or obstructions in accordance with the following procedure:

I. After the director of the fish and game department has made a determination that a fish passage facility is needed at an existing dam or obstruction, and upon his request, the governor, with the advice of the council, shall appoint a commission of three disinterested citizens of the state to review this determination.

II. Said commission shall hold public hearings to determine the need and desirability of providing fish passage facilities over the dam or obstruction, and the deliberations of the commission shall include a careful consideration of the eco-

conomic values associated with the project. Upon completion of its study, the commission shall report its findings to the governor and council; the report shall include any recommendations for special conditions to be associated with the project and a recommendation for the distribution of cost between the owner and the state for construction and maintenance of the fish passage and a recommendation as to whether the owner or the fish and game department shall operate and maintain said fish passage facilities.

III. Upon receipt of said report, the governor, with the advice of the council, shall determine the share of the cost of construction and the share of the cost of maintenance to be borne by the owner and by the state. The state's share shall be a charge on the fish and game fund.

IV. The actual design and location of fish passage facilities authorized under this act shall be determined by the director of the fish and game department.

V. The owner of the dam or obstruction at which a fish passage facility is constructed as provided in this section or the fish and game department, as determined by the governor and council shall, consistent with the primary purpose of the dam or obstruction, operate the fish passage facility to allow for the passage of fish species present during the period of their normal migration as determined by the director of the fish and game department.

VI. Any party to the action or proceedings under this section may apply for a rehearing or appeal under the procedure as provided by RSA 541.

3 Inspection by Director. Amend RSA 211 by inserting after section 8-b the following new section: 211:8-c Inspection. The director or his representative may, from time to time, enter and inspect any dam or impoundment in any river or stream, or inlet or outlet of any pond located within the state of New Hampshire to insure the adequate installation, maintenance and operation of fish passage facilities required by this section.

4 Application. Amend RSA 211 by inserting after section 8-c the following new section: 211:8-d Federal Power Commission. The provisions of this section shall not apply to those dams under license by the federal power commission.

5 Rehearings and Appeals. Any party to the action or proceedings under this chapter may apply for a rehearing or appeal under the procedure as provided by RSA 541.

6 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

#### **HB 445**

providing that, for five years, only buck deer may be taken in the six southern counties. Inexpedient to legislate. Rep. Chamberlin for Fish and Game.

Would have provided a buck law only in the six southern counties.

Rep. Hardy moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Chamberlin, Hayes and Maynard spoke against the motion.

Motion lost.

Resolution adopted.

#### **HB 498**

relative to mandatory arbitration of claims where the amount involved is three thousand dollars or less. Refer to Judicial Council. Rep. Zachos for Judiciary.

Bill provides a substantial change from current judicial processes and should be studied by Judicial Council.

Resolution adopted.

#### **HB 388**

relative to town liability for dog damage. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Resolution adopted.

#### **HB 504**

providing for automatic vacating of the office of any elected town or school official because of absenteeism. Inexpedient to

legislate. Rep. Robert E. O'Neil for Municipal and County Government.

Resolution adopted.

### **HB 391**

requiring selectmen's approval before a foster child is placed in a home located within the town. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Resolution adopted.

### **HB 205**

relative to health services in public schools. Ought to pass with amendment. Rep. Ruth Griffin for Public Health and Welfare.

## **AMENDMENT**

Amend RSA 200:34 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

200:34 Special Examination. Every child with a presenting problem and found to need further evaluation, after due consideration and evaluation by the appropriate school authority, shall be referred by the school physician or school administrator to the parents or guardian of said child for examination, and evaluation by an appropriate practitioner and if said parents fail or neglect to have said child so examined and fail to present the recommendations from said examiner within a reasonable period after the referral by the school to said parents, then said child may be examined by the school physician, or other qualified personnel.

Amend RSA 200:35 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

200:35 Reporting of Defects or Disabilities. The parent or guardian of the child shall be informed or counseled concerning any defects or disabilities discovered and identified through observation, screening procedures or physical examinations. The school nurse may make home visits, arrange parent conferences at school or send written notices as determined pursuant to local school policy.

Amend RSA 200:36 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

200:36 Medical Examination of School Personnel. All school personnel, to include but not limited to administrative, secretarial, maintenance, cafeteria and transportation personnel in each school district shall be required to have a pre-employment medical examination by a licensed physician qualified to practice medicine in at least one of the states of the United States of America. Any person who objects to all or part of any medical examination because of religious beliefs shall be exempt from said examination, except that no such exemption shall be granted if state or local authorities determine that such exemption would constitute a hazard to the health of persons exposed to the unexamined individual. The local school board shall further require additional medical examinations at specific intervals or upon the request of the local superintendent of schools during the period of employment. A written recommendation from the examining physician shall indicate that the employee is medically capable of performing his designated assignment.

Amend the bill by striking out section 4 and inserting in place thereof the following new sections:

4 Reference Changed. Amend RSA 189:49, I (supp) as inserted by 1970, 51:1 by striking out the letters and numerals "RSA 200:15-25" and inserting in place thereof the following (RSA 200:26-41) so that said paragraph as amended shall read as follows: I. School physician services under the provisions of RSA 200:26-41.

5 Effective Date. This act shall take effect sixty days after its passage.

At the request of Rep. Williamson, Rep. Roma Spaulding answered questions.

Amendment adopted.

Ordered to third reading.

**HB 405**

providing for comprehensive mental health centers and

making an appropriation therefor. Ought to pass with amendment. Rep. Conley for Public Health and Welfare.

Title self-explanatory.

### AMENDMENT

Amend RSA 126-D:7 and RSA 126-D:8 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

126-D:7 Allocation of Funds. At the beginning of each fiscal year, the commissioner of health and welfare shall allocate funds to the comprehensive mental health centers for disbursement quarterly in accordance with such approved plans and budgets and upon receipt of signed contract or agreement with the community organization to provide the services listed in RSA 126-D:2. The director of the division of mental health has the authority to audit both administrative and the financial aspects of the centers.

126-D:8 Grants for the construction and staffing of comprehensive mental health centers shall be made on a scale of up to two dollars for every dollar raised locally from sources other than the federal government or its agencies; provided, that in no case shall the state provide more than twenty-five percent of the cost of any construction; and further provided that grants as provided in this section may not be made to any programs for those services for which a grant is made under the provisions of RSA 126-B (supp). In all localities, the fair rental value of physical facilities furnished by a local community for the use of a comprehensive mental health center shall constitute part of the local contribution.

At the request of Rep. Webster, Rep. Roma Spaulding answered questions.

On a vv the Speaker was in doubt and requested a division.

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The Speaker requested a quorum count.

315 members having answered, a quorum was present.

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134 members voting in the affirmative and 123 in the negative, the amendment was adopted.

Rep. Lawton moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment.

Reps. MacDonald, Raiche, Robert E. O'Neil, Belair, Zachos, James O'Neil and George Roberts spoke against the motion.

(discussion)

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Rep. Maurice Bouchard requested the yeas and nays, seconded by five members.

### ROLL CALL

YEAS: 37      NAYS: 291

### YEAS

#### HILLSBOROUGH COUNTY:

Spalding, Kenneth W., Belzil, Belcourt, Trombley, Desmarais, Gardner, Cleon J., Chamard, Aubut, Grandmaison, Ouellette, Sirois, Dwyer, McDonough, Chevrette, O'Connor, James P., Burke, Grady, O'Connor, Timothy K., Vachon.

#### MERRIMACK COUNTY:

Gordon, Humphrey, James A., Howland.

#### ROCKINGHAM COUNTY:

Boucher, Soule, Sewall.

#### SIRAFFORD COUNTY:

Canney, Smith, Elmer C., Young.

#### SULLIVAN COUNTY:

Downing, Shulins.

#### BELKNAP COUNTY:

Hood.

#### CARROLL COUNTY:

Lagroe, Webster.

## CHESHIRE COUNTY:

Forbes, Cournoyer, Forcier.

## COOS COUNTY:

None.

## GRAFTON COUNTY:

Buckman.

## NAYS

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Sawyer, Barnard, Knight, Poehlman, Weilbrenner, Colburn, Daloz, Murray, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Carter, Coburn, Bragdon, Hall, Bouchard, Maurice L., Parker, Gerry F., Record, Lesage, Drabinowicz, Mason, Lachance, Cote, Margaret S., O'Neil, Robert, Boisvert, Wilfrid A., Bissonnette, Coutermarsh, Gabriel, Alukonis, Keeney, Rodgers, Cares, Peabody, Arthur H., Lyons, Harvell, Van Loan, Abbott, Ainley, Daniels, Milne, Zachos, Ackerson, Montplaisir, Murphy, Francis, Cote, Joseph L., Dion, Duhaime, Armand L., Cullity, McDermott, Manning, Spirou, Barrett, Clancy, Lynch, John T., Boisvert, Emile E., Leclerc, Sysyn, Simard, Champagne, Derome, Lemieux, Raiche, St. Onge, Robinson, Belanger, Lynch, Doris T., Sweeney, Clear, Lamy, Murphy, Dennis J., Martineau, Allard, Brunelle, Lambert, Lesmerises.

## MERRIMACK COUNTY:

Andrews, Sherman, Hardy, Parker, Harry C., Enright, Riley, Gamache, Little, Bartlett, Avery, Perkins, Kopperl, Thompson, Doris L., Burleigh, Dempsey, Piper, Chapley, Greely, Mattice, Michels, Cate, York, Edward H., Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, MacDonald, Sanders, Wilson, Ralph W., Fuller, Glavin, Howard C. Edwin, Woodward, Welch, Shirley B.

## ROCKINGHAM COUNTY:

Stimmell, Wilson, Helen F., Griffin, Margaret A., Adams, MacGregor, Lovell, Belair, Gelt, Morrison, O'Neil, Robert E., Sayer, Smith, Philip A., Clark, Ernest D., White, Palmer,

Schwaner, Spollett, Benton, Goodrich, Vey, Twardus, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Hamel, Randall, Cheney, George L., Fiske, Cunningham, Langley, Leavitt, Greene, Hammond, Weeks, Keefe, Maynard, McEachern, Chandler, Griffin, Ruth L., Quirk, Dame, Palfrey, Bowles, Jameson, Levy, Woods, Croft.

STRAFFORD COUNTY:

McIntire, Stevenson, Douglas M., Clark, Shirley M., Cochran, Tirrell, Joncas, Maloomian, Habel, Chasse, Hebert, Towle, Thompson, Barbara C., Ruel, Beaudoin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Leighton, Peabody, Raymond B., Bernard, Webber, Mudgett, DeWolfe, Kinney, Richardson, Harriett W. B.

SULLIVAN COUNTY:

Chase, Donald R., Gaffney, Rousseau, Cambell, Spaulding, Roma A., Barrows, Burrows, D'Amante, Flint, Saggiotes, Frizzell, Galbraith, Williamson.

BELKNAP COUNTY:

French, Lawton, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Drouin, Dulac, Randlett, Maguire, Whittemore.

CARROLL COUNTY:

Howard, Donald K., Cox, Davis, Esther M., Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Claflin, Hughes.

CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Trowbridge, Allen, Bennett, Johnson, Elmer L., Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Heald, Cleon E., Streeter, Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

COOS COUNTY:

Cook, Huggins, Bushey, Hunt, Mayhew, Drake, Lee, Burns, O'Hara, Oleson, Dubey, Roy, York, Elmer H., Brungot, McCuin, Oswell, Gagnon, Theriault, Kidder.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Tilton, Higgins, McGee, Chamberlin, LaMott, Mann, Ezra B., Anderson, Menge, Bradley, David H., Radway, Gemmill, Dow, Foster, Duhaime, Roger M., Tremblay, Dudley, Merrill, Altman, Blain, Hopkins, Bell, Sears, Bradley, Richard L.

Rep. Lockhart abstained under Rule 16.  
and the motion lost.

Referred to Appropriations.

## UNANIMOUS CONSENT

Rep. Spirou addressed the House by unanimous consent.

The Speaker ordered that Rep. Spirou's remarks be printed in the Journal.

Mr. Speaker: I rise today with your approval and the approval of my fellow legislators to express my concern about a matter which troubles me deeply.

Mr. Speaker, it seems to me that once again we here in the state of New Hampshire have started down the road of mental lapse and political hysteria reminiscent of the kind displayed by many not too long ago.

One would think that it was really the second coming — too bad it is only the coming of a person not even worth mentioning by name.

While our beloved State is going through the most severe financial crisis in its history, while we contemplate cuts on our state services of unprecedented proportions, we are being agitated by extremists on both sides with the obvious intent to get our attention away from the issues and to promote their own political ideologies and personal hang-ups.

Someone is coming to the University to speak, someone we do not like, and — instead of calling for a news blackout, we put on a news freak-out. We drop everything in order to fulfill our political vindictiveness with each other.

The reason I am so concerned, Mr. Speaker, is because I grew up in a country and in a system where for a considerable length of time the two extremes dominated the political scene.

One tried to outdo the other in agitation and emotional rhetoric. And the two extremes, because they were both blind, violently clashed one day.

And one side killed supposedly on behalf of the people, and the other killed supposedly on behalf of God and country.

Mr. Speaker, in the midst of that turmoil stood a group of G.I.'s commonly known as "American advisors." They were there assisting the forces of moderation, the forces of reason trying to bring justice to a tragic conflict, and by God they did.

I would like to touch on something that impressed me and my fellow villagers about those American G.I. advisors.

They at all times and under extreme conditions kept their "cool" and behaved as human beings with rationality that had everyone inspired.

It was the talk of the town.

How come those Americans do not become hysterical? Why don't they all get emotional? How come they are so "cool"? How come they listen to all sides before they make a decision?

And now I ask. What has been happening to us Americans here?

I ask if there was anyone from New Hampshire with those G.I.'s and I ask where would the little country where I came from be today if those G.I. advisors went on a mental paralysis everytime an argument started or things were a little tough.

It is difficult for me to figure out what would happen to us here if, heaven forbid, we were ever faced with the odds against us.

It is my feeling, Mr. Speaker, that our state faces problems today which require the full stamina, dedication and understanding of each of its citizens.

Many of us are tired of listening to and hearing about glorified losers.

I say —

Let us look at the extremists on both sides of the spectrum in their proper prospective and not magnify their importance every time they open their mouth on a given issue.

And let us get on with the business at hand. The needs of our citizens require our immediate personal attention — the problems are many and the hours are few.

## COMMITTEE REPORTS CONTINUED

### HB 451

establishing a commission to study and make legislative recommendations concerning the regulations and licensing requirements which apply to halfway houses. Ought to pass with amendment. Rep. Helen Wilson for Public Health and Welfare.

## AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Commission Established. There is hereby established a halfway house study commission of fifteen members who shall be selected and appointed as follows:

I. Two members of the house of representatives appointed by the speaker;

II. One member of the senate appointed by the president;

III. The following named officials or their designated representatives:

(a) Commissioner of the department of health and welfare;

(b) Director of the division of public health of the department of health and welfare;

(c) Chief of the division of vocational rehabilitation of the department of education;

(d) Director of the division of public welfare of the department of health and welfare;

(e) Director of the division of mental health of the department of health and welfare; and

(f) Director of the New Hampshire state council on aging.

IV. Six members of the general public who shall represent diversified segments of society and who shall be chosen by a committee composed of:

- (a) The governor;
- (b) The president of the senate;
- (c) The speaker of the house of representatives; or their designated representatives.

Members shall receive no compensation.

On request of Rep. Margaret Griffin, Rep. Roma Spaulding answered questions.

Amendment adopted.

Ordered to third reading.

### **HB 394**

to change the name of the water supply and pollution control commission. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Water supply is responsibility of the commission. Intended clarification would only further confuse.

Resolution adopted.

### **HB 603**

to provide rehabilitation psychologists for correctional institutions within the state and making an appropriation therefor. Ought to pass. Rep. Richard Cummings for State Institutions.

Urgent need for this bill was clearly shown at the public hearing. No one appeared in opposition.

Referred to Appropriations.

### **HB 547**

relative to publication of political contributions and expenditures. Ought to pass. Rep. Murray for Statutory Revision.

Proposed legislation adds the words "in alphabetical order" in two separate lines of present law. Requested by agencies administering the law.

Ordered to third reading.

### **HB 500**

relative to the highway operation of farm vehicles. Ought to pass with amendment. Rep. Hamel for Transportation.

Extends the mileage limit on agricultural license plates to twenty miles. Farmers are required to travel further today to pick up and deliver products.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Twenty Mile Radius. Amend RSA 262:1, V as amended by 1957, 235:1 by striking out in line nine the word "ten" and inserting in place thereof the word (twenty) so that said paragraph as amended shall read as follows: V. For each road oiler or bituminous distributor the fee shall be seventy-five dollars. For each tractor used for agricultural purposes only, each vehicle of the tractor type used for agricultural purposes only and used to draw another vehicle in such a way that a part of the load is carried on such towing vehicle, each tractor used for power purposes only that does not haul loads on the public highways as hereinbefore provided for tractor type vehicles, two dollars. Each commercial vehicle or truck used for agricultural purposes only and used on the public highways within a radius of twenty miles from the main entrance of the farm upon which said vehicle is operated, or used to transport animals and agricultural products to agricultural fairs and exhibits for exhibition purposes only, two dollars, provided that such vehicle under such limited registration shall not be used for the purpose of transporting products for sale or for hire. For each farm truck or combination of motor truck type tractor and semi-trailer of a total weight, determined as provided in paragraph IV of this section, used only for the transportation of agricultural products produced on, and meant to be used in connection with the operation of, a farm or farms owned, operated or occupied by the registrant, the fee shall be twenty-five dollars, for the first sixteen thousand pounds, and at the same rates set forth in paragraph IV of this section for any additional weight above sixteen thousand pounds, and for each additional or extra semi-trailer used in connection with a motor truck type tractor registered for farm purposes twenty-five dollars, provided that a farm truck or combination truck-tractor and semi-trailer so registered shall not be used for the transportation of wood and lumber for sale other than from such farms on which the production of wood and lumber is incidental to other farm operations, nor shall such trucks be used

registered under the twenty-five dollar fee as hereinbefore provided is thereafter registered for general use during the same registration year such fee shall be applied toward the fee for such general registration.

Amendment adopted.

Ordered to third reading.

**HB 554**

removing taxicabs from the jurisdiction of the public utilities commission. Inexpedient to legislate. Rep. Hamel for Transportation.

Report of inexpedient requested by sponsor. Taxicabs are covered now only when operating on a regular schedule in competition with common carriers.

Resolution adopted.

The Speaker called for the special order for 1:01 on

**HB 78**

to authorize Industrial Development Authority to provide housing for industrial workers.

Rep. James O'Neil moved that HB 78 be made a Special Order for 1:02 tomorrow.

Adopted.

The Speaker called for the special order for 1:02 on

**HB 343**

to create a State Department of Corrections.

Rep. Cate moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

Rep. Malcolm Stevenson spoke against the motion.

Rep. Shulins spoke against the motion.

(Deputy Speaker in Chair)

(discussion)

Rep. Zachos spoke in favor of the motion.

Rep. Lawton spoke against the motion.

Reps. Cleon Heald and George Roberts spoke in favor of the motion.

Rep. Lambert moved the previous question, sufficiently seconded.

Adopted.

The question being on the motion to substitute, ought to pass with amendment, for the committee report, inexpedient to legislate.

A division was requested.

The vote being manifestly in the negative, the motion lost.

The question now being on the adoption of the committee report, inexpedient to legislate.

Resolution adopted.

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Rep. George Roberts moved that HB 384, to extend the insurance premium tax to include hospital service corporations, be made a special order for 1:03 tomorrow.

Rep. Robinson spoke in favor of the motion.

Adopted.

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Rep. Hanson requested a six day extension on HB 197, providing that the state shall reimburse cities and towns for taxes lost because of exemptions to veterans and making an appropriation therefor.

Granted.

## RECONSIDERATION

Rep. Lawton, having voted with the majority, moved that the House reconsider its action in killing HB 343, to create a State Department of Corrections, and spoke against the motion.

Motion lost.

Rep. Belzil told the House that Rep. Shulins had suffered an attack and the House rose in a minute of silent prayer for the speedy recovery of Rep. Shulins.

On motion of Rep. Geo. Roberts the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of

bills be by title only, and that when the House adjourns today it be to meet tomorrow at 1:00 o'clock.

The Speaker announced that today is the 39th birthday of Herbert Richardson.

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### LATE SESSION

Third reading and passage by House

HB 312, enacting the fair credit reporting act.

HB 251, providing that the provisions of the constitution of New Hampshire shall establish the age for voters.

HB 94, appropriating funds to assist the Lebanon Regional Airport Authority.

HB 494, relative to tax exemption for water and air pollution control facilities.

HB 550, providing copies of the Revised Statutes Annotated for attorneys in the office of attorney general.

HB 272, requiring fishways to be built on certain dams.

### RECONSIDERATION

Rep. Maynard, having voted with the majority, moved that the House reconsider its action in passing HB 272 and spoke against the motion.

Motion lost.

HB 547, relative to publication of political contributions and expenditures.

HB 500, relative to the highway operation of farm vehicles.

HB 451, establishing a commission to study and make legislative recommendations concerning the regulations and licensing requirements which apply to halfway houses.

HB 205, relative to health services in public schools.

On motion of Rep. Alice Davis, the House adjourned at 5:03 P.M.

*Wednesday, 14Apr71*

The House met at 1:00 p.m.

### JOINT CONVENTION

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Infinite FATHER, in the stillness of this moment, let the hush of your presence fall upon us that we may become aware of Thy transforming Spirit which conforms to no pre-cut mold. Give us the courage and strength and wisdom to search for truth. In judgment and grace, have us know we are not at the mercy of events when into our hands has been put the gift of imagination and the power of decision.

O GOD, jolt, jar, and love us into the way the living Jesus of history had in mind — for Thine is the kingdom and the power and the glory. Amen.

Rep. Gerry Parker led the Pledge of Allegiance.

### HOUSE

House Chaplain, Rev. William L. Shafer offered a Memorial Service for Rep. Jacob M. Shulins.

### MEMORIAL SERVICE FOR REP. JACOB M. SHULINS

Mr. Speaker, and Members of the New Hampshire General Court — it is with deep sorrow that I note the empty seat of Rep. Jacob M. Shulins (District 6, Sullivan County). Yesterday Rep. Shulins was an active participant in this House's activities, today his earthly and mortal fellowship is missed for he has been called into the very presence of his GOD and Creator. For our comfort in this time of sadness, I would ask the Members to join me in the "Twenty-Third Psalm."

("The Twenty-Third Psalm")

SHALOM. "All you who mourn the loss of loved ones, and, at this hour, remember the sweet companionship and the cherished hopes that have passed away with them, give ear to the word of comfort spoken in the name of God. Only the body

has died and has been laid in the dust. The spirit lives in the shelter of God's love and mercy. Our loved ones continue also, in the remembrance of those to whom they were precious. Their deeds of loving-kindness, the true and beautiful words they spoke are treasured up as incentives to conduct by which the living honor the dead. And when we ask in our grief: Whence shall come our help and our comfort? Then in the strength of faith let us answer with the Psalmist: My help cometh from God. He will not forsake us nor leave us in our grief. Upon Him we cast our burden and He will grant us strength according to the days He has apportioned to us. All life comes from Him; all souls are in His keeping. Come then, and in the midst of sympathizing fellow worshippers, rise and hallow the name of God. Amen."

(ex. "Union Prayer Book")

A statement from the House Com. on Labor, Human Resources and Rehabilitation, was presented by Rep. Knight.

Mr. Speaker: The members of the Committee on Labor, Human Resources and Rehabilitation wish to express their sadness this afternoon because there is an empty seat at our conference table.

We have been most fortunate in the past few months to have as a member, Judge Jacob Shulins.

To say we always agreed with each other would be ridiculous, but to say we respected his opinions and each member's right to disagree with any other would be honest. Within this committee we have felt warm regard and deep friendship for all members.

Jake Shulins knew of his physical condition and knew of the chance he was taking — but he believed too strongly in the committee report to stand to one side and let it go by. You could truly say this man died fighting for what he believed in.

"Well done thy good and faithful servant."

The Labor Committee joins the rest of the House in wishing him Eternal Peace.

Reps. Downing, Flint and Saggiotes on behalf of The Sullivan County Delegation offered the following resolutions:

## RESOLUTIONS

*Whereas*, we have learned with regret of the death of Jacob M. Shulins, Representative from Newport, and

*Whereas*, Mr. Shulins served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family. and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a Minute of silent prayer.

"Magnified and sanctified be his great Name in the world which he hath created according to his will. May he establish his kingdom during your days. and during the life of all the house of Israel, even speedily and at the near time.

Blessed, praised and glorified, exalted, extolled and honoured, magnified and lauded be the Name of the Holy One, blessed be he; though he be high above all the blessings and hymns, praises and consolations, which are uttered in the world.

May there be abundant peace from heaven and life for us and for all Israel. Let the Name of the Lord be blessed from this time forth for evermore. Amen."

(excerpts from the "Mourner's Kaddish.")

## LEAVES OF ABSENCE

Rep. Lavallee, today and tomorrow, illness in family.

Rep. Churchill, the day, important business.

Rep. Daniels, tomorrow, important business.

Rep. Brown, today and tomorrow, important business.

## RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved* that in accordance with the list in the possession of the clerk, House Bills numbered 783 through 831 and House

Joint Resolution number 47 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 783, to amend the conditions of an appropriation for Lebanon regional airport, Lebanon. (Coutermarsh of Hillsborough Dist. 22 — To Appropriations.)

HB 784, relative to mobile barbershops. (Mason of Hillsborough Dist. 17 — To Public Health and Welfare.)

HB 785, relative to subscribers deposits with telephone companies and other public utilities. (Trowbridge of Cheshire Dist. 4; Roberts of Belknap Dist. 6 — To Statutory Revision.)

HB 786, requiring publication of the value of tax exempt property and establishing a committee to study property tax exemptions. (Miner of Merrimack Dist. 23 — To Ways and Means.)

HB 787, increasing the salary of the Strafford county commissioners. (Maglaras of Strafford Dist. 20 — To Special Committee — Strafford Delegation.)

HB 788, prohibiting the use of motor boats on Jericho Pond. (McCuin of Coos Dist. 8 — To Environmental Quality and Agriculture.)

HB 789, establishing youth rates at state-owned ski areas. (Read of Rockingham Dist. 5 — To Resources, Recreation and Development.)

HB 790, limiting the use of motor boats on Big Millsfield Pond. (McCuin of Coos Dist. 8 — To Environmental Quality and Agriculture.)

HB 791, granting a tax exemption to persons who have lived with their spouse as man and wife for at least five years when either person is seventy or over. (Saggiotes of Sullivan Dist. 6 — To Ways and Means.)

HB 792, relative to the appointment of the town clerk by the selectmen. (Mann of Grafton Dist. 6 — To Municipal and County Government.)

HB 793, increasing the fee for out-of-state fur-buyers licenses. (Cate of Merrimack Dist. 20 — To Fish and Game.)

HB 794, transferring a portion of the state library current expense appropriation for fiscal year 1971 to equipment. (Bigelow of Merrimack Dist. 3 — To Appropriations.)

HB 795, relative to the interest rate on delinquent real property taxes. (Dion of Hillsborough Dist. 29 — To Ways and Means.)

HB 796, relative to the display of the New Hampshire state flag. (Cournoyer of Cheshire Dist. 6 — To Statutory Revision.)

HB 797, establishing a Charlestown district court. (Galbraith of Sullivan Dist. 7; Frizzell of Sullivan Dist. 7 — To Judiciary.)

HB 798, requiring notice of junking of motor vehicles. (Hamel of Rockingham Dist. 7 — To Transportation.)

HB 799, relative to the board of arborists. (Clark of Strafford Dist. 4 — To Executive Departments and Administration.)

HB 800, providing for annual physical examinations for school bus operators. (Conley of Carroll Dist. 4 — To Transportation and Aeronautics.)

HB 801, relative to the appointment of election inspectors. (Dion of Hillsborough Dist. 29; Duhaime of Hillsborough Dist. 29 — To Municipal and County Government.)

HB 802, increasing the minimum wage. (Cote of Hillsborough Dist. 29; McDonough of Hillsborough Dist. 32 — To Labor, Human Resources and Rehabilitation.)

HB 803, relative to the retention of certain retirees as members of group health plans. (McDonough of Hillsborough Dist. 32 — To Public Health and Welfare.)

HB 804, legalizing the school district meeting in the towns of Belmont and Canterbury. (Wuelper of Belknap Dist. 5; Kopperl of Merrimack Dist. 12 — To Municipal and County Government.)

HB 805, relative to the color of highway yield signs. (Mann of Hillsborough Dist. 7 — To Public Works.)

HB 806, providing permits to keep moose taken in other

states and Canada. (Maynard of Rockingham Dist. 24 — To Fish and Game.)

HB 807, abolishing the police commission in the city of Claremont. (D'Amante of Sullivan Dist. 5 — To Special Committee — Claremont Delegation.)

HB 808, relative to unfair sales practices and the enforcement of the unfair sales act. (D'Amante of Sullivan Dist. 5; Hayes of Carroll Dist. 3 — To Judiciary.)

HB 809, relative to industrial homework. (McDonough of Hillsborough Dist. 32; Cote of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 810, amending the minimum wage law. (Cote of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 811, changing the name of the Plymouth Village Fire District. (Bell of Grafton Dist. 18 — To Municipal and County Government.)

HB 812, to provide for annual leave of state employees. (MacDonald of Merrimack Dist. 25 — To Executive Departments and Administration.)

HB 813, relative to boiler inspections. (Ferguson of Hillsborough Dist. 11 — To Statutory Revision.)

HB 814, enabling towns to elect a three-man board of assessors. (Dwyer of Hillsborough Dist. 25; Lyons of Hillsborough Dist. 25 — To Municipal and County Government.)

HB 815, providing for certificates of need for health care capital expenditures. (Heald of Cheshire Dist. 15 — To Public Health and Welfare.)

HB 816, eliminating the concept and action of bastardy and purging the words "bastard" and "illegitimate child" and the like from the statutes. (Parker of Hillsborough Dist. 15 — To Judiciary.)

HB 817, broadening the scope of the common law doctrine of cy pres. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 818, expanding the discretion of the attorney general in administering the land sales full disclosure act. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 819, setting minimum speed limits on certain highways. (Daniels of Hillsborough Dist. 27; Robinson of Hillsborough Dist. 35 — To Transportation and Aeronautics.)

HB 820, providing that the tenure of the attorney general be coterminous with the term of the governor. (Raiche of Hillsborough Dist. 34; Woods of Rockingham Dist. 28 — To Statutory Revision.)

HB 821, relative to speed limits for certain heavy vehicles on limited access highways. (Daniels of Hillsborough Dist. 27; Robinson of Hillsborough Dist. 35 — To Transportation and Aeronautics.)

HB 822, relative to the enforcement of regulations of the commissioner of health and welfare. (Griffin of Rockingham Dist. 25; Woods of Rockingham Dist. 28 — To Executive Departments and Administration.)

HB 823, repealing the law providing for pre-financing of municipal sewage or waste disposal systems. (O'Neil of Cheshire Dist. 12 — To Appropriations.)

HB 824, exempting the administrators of county nursing homes from the licensing requirements of RSA 151-A. (Lagroe of Carroll Dist. 2 — To State Institutions.)

HB 825, providing for the election of the state board of education. (Lagroe of Carroll Dist. 2 — To Education.)

HB 826, restricting abusive treatment to horses. (Welch of Merrimack Dist. 27 — To Public Health and Welfare.)

HB 827, to exempt sales of cigarettes to residents of the New Hampshire soldiers' home from the tobacco tax. (Welch of Merrimack Dist. 27 — To Ways and Means.)

HB 828, relating to action by the budget committee prior to a special meeting. (Bednar of Hillsborough Dist. 23; Allen of Cheshire Dist. 8; O'Neil of Rockingham Dist. 7 — To Municipal and County Government.)

HB 829, adopting a uniform moving traffic violation citation system. (Daniels of Hillsborough Dist. 27; Robinson of Hillsborough Dist. 35 — To Judiciary.)

HB 830, naming Loon Mountain Road. (McGee of Grafton Dist. 3 — To Statutory Revision.)

HB 831, requiring motorists to stop the engine of their motor vehicle while being serviced at gas pumps. (Poehlman of Hillsborough Dist. 4 — To Transportation and Aeronautics.)

HJR 47, establishing a legislative committee to study the feasibility of reducing the size of the house and increasing the size of the senate. (Menge of Grafton Dist. 8 — To Constitutional Revision.)

## HOUSE RESOLUTION

submitted by Representative Drake and Raiche

Resolved by the House of Representatives:

That the attorney general be requested to give his opinion upon the following questions of law:

1. Would any provision of the Constitution of New Hampshire or any statute be violated by the enactment of a statute providing for the issuance of bonds or notes pledging the full faith and credit of the state, the proceeds of which are appropriated for operating expenses of departments and agencies of the state?

2. Would any provision of the Constitution of New Hampshire or any statute be violated by the enactment of a statute providing for the funding of a deficit of the state by the issuance of bonds or notes pledging the full faith and credit of the state?

Rep. Raiche explained the resolution.

Rep. Drake further explained the resolution.

Rep. James O'Neil spoke in favor of the resolution.

Resolution adopted.

The Speaker called for the Special Order for 1:01.

The Drake Resolution. (Printed in the House Journal of April 13)

Rep. Drake explained the resolution.

(discussion)

Rep. Raiche spoke against the resolution.

Reps. Belcourt and James O'Neil spoke in favor of the resolution.

Rep. Spirou further explained the resolution.

Reps. George Roberts and Trowbridge spoke in favor of the resolution.

Rep. Bednar spoke against the resolution.

Rep. Menge further explained the resolution.

Rep. Brungot spoke in favor of the resolution.

Rep. Drake spoke a second time to explain the resolution.

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Adopted.

The question now being on the Drake Resolution.

Resolution adopted.

## OPINION OF ATTORNEY GENERAL

April 14, 1971

J. Milton Street, Clerk  
House of Representatives

Dear Mr. Street:

I am enclosing herewith the opinion of this office in response to the Resolution which I understand was adopted by the House this afternoon.

The preparation of this opinion was begun late yesterday afternoon on the representations of Representative Arthur Drake, Chairman of the House Appropriations Committee and Representative Robert Raiche, House Minority Leader, that a Resolution would be introduced into the House today requesting our opinion and that an early reply was urgently needed.

Sincerely,

WARREN B. RUDMAN  
*Attorney General*

To the Honorable Members of  
the House of Representatives  
State House  
Concord, New Hampshire

By Resolution you have inquired, in essence, whether under our Constitution and statutes the State of New Hampshire can issue bonds to be used for the payment of current or operating expenses or to make up a deficit because of a deficiency of General Fund revenue.

Regarding the New Hampshire Constitution, it is our opinion that there is no prohibition on the Legislature precluding bonded indebtedness for current or operating expenses or to rehabilitate the Treasury because of a lack of revenue. Part 2, Article 5 of the New Hampshire Constitution grants to the General Court full power and authority:

“ . . . to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, . . . ”

We note that your Resolution distinguishes between funding of a deficit created by a revenue deficiency, thus making the State able to meet past due expenditures, and those expenses that are to be anticipated for future State operations: no constitutional distinction would appear to be involved here, although the question is not free from doubt.

While we are not aware of any direct statement by our Supreme Court on your precise questions, there is precedent both by legislative enactment and by judicial review relative to the issuance of bonds and/or notes for the purpose of rehabilitating the State Treasury for the loss of revenue. In 1933 and again in 1935, the Legislature enacted legislation “. . . TO REHABILITATE THE STATE TREASURY FOR THE LOSS OF REVENUE SUFFERED BY THE STATE,” appropriating the sum of \$430,000 in 1933 and the additional amount of \$600,000 in 1935 and authorizing the State Treasurer to

borrow sums of money to provide money for the appropriation by the issuance of bonds and/or notes in the name and on behalf of the State of New Hampshire. These two chapters, Laws of 1933, Chapter 176 and Laws of 1935, Chapter 129, were referred to as "... another device for rehabilitating treasury deficits in those years ..." in *Opinion of the Justices*, 91 N.H. 534, 537 (1941). The Court, in that case, was interpreting Laws of 1931, Chapter 126, which was also an act providing for the rehabilitation of Treasury balances but used a different method.

Again, in 1959, the Legislature enacted Chapter 230, "AN ACT PROVIDING FUNDS BY SALE OF BONDS TO REIMBURSE THE GENERAL FUND OF THE STATE FOR PAYMENT OF THE UTILITY FRANCHISE REFUND," which was necessary, as the preamble states:

"... because of the fact that the supreme court declared the franchise tax provided by RSA 83 unconstitutional it was necessary to repay to certain utilities the sums illegally collected, ..."

This act appropriated \$1,358,221 "... for the purpose of reimbursing the general funds of the state for payment of the utility franchise refund" and provided that all but \$221 of the funds so authorized were to be raised by the issuance of bonds and notes in the name and on behalf of the State of New Hampshire.

In summary, the question of the constitutionality of any law is for our Supreme Court, *Wyman v. DeGregory*, 101 N.H. 171, 178; *State v. Company*, 84 N.H. 322, 327. On the assumption that bonding to meet expenses for anticipated operations is on the same footing as bonding to meet past due expenditures, it is our opinion that if legislation were proposed similar to the acts mentioned above, such statute would probably be held to be constitutional. In any event, in broad terms, we see no constitutional prohibition.

On the question of statutory prohibition, we find nothing in RSA 6, "STATE TREASURER AND STATE ACCOUNTS," bearing on your question. RSA 6:13 (supp), as amended by Laws of 1971, Chapter 1, does provide for the short term borrowing of money by the Treasurer when there are not sufficient funds in the Treasury for payment of the same:

"Borrowing Money. If money due from the state is demanded and there are not sufficient funds in the treasury available for the payment of the same, the treasurer under the direction of the governor and council is authorized to borrow on the state's credit for a period of not more than one year, at the lowest rate of interest obtainable, such sums as may be necessary, provided that at no time shall the indebtedness of the state pursuant to the authority granted by this section exceed the sum of twenty-five million dollars."

You will note that there is no express authority to issue bonds under RSA 6:13 (supp), as amended by Laws of 1971, Chapter 1, but neither is there any prohibition; ordinarily, it is our understanding, that for borrowings of five years or less, notes are issued. In this connection, we point out that prior to Laws of 1965, Chapter 188, the period of indebtedness was for "not more than five years" rather than "not more than one year." as at present.

In our examination of RSA 6-A (supp), "STATE BONDS," we find no prohibition relative to the issuance of state bonds or short-term notes for the purposes concerning which you inquire. It must be recognized that the apparent purpose of RSA 6-A (supp) is the provision for conditions which shall generally be applicable to bond issues; it is not intended to provide criteria for distinguishing between permissible and impermissible objects for which bonds may be issued. RSA 6-A (supp) does contain provisions as to the form and maturity dates, which, in the case of bonds, shall not be later than 20 years from the date of issue and, in the case of short-term notes, five years from the date of issuance. RSA 6-A:4 (supp) and RSA 6-A:5 (supp) also contain certain language which no doubt was intended to apply to specific bond authorizations, as is the case with capital improvements; for the sake of clarity and to remove any doubt, it would appear necessary to amend or exempt this chapter, to cover the purposes of your inquiry.

By way of contrast, RSA 33:3, as amended by Laws of 1971, Chapter 34, has this specific restriction:

" . . . A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current

maintenance and operation except as otherwise specifically provided by law.”

The above statutory review would suggest that the General Court, if it decides to authorize the issuance of bonds for rehabilitating the Treasury and for the payment of current or operating expenses, might well decide to amend RSA 6:13 (supp) and RSA 6-A (supp), or provide special legislation, as was done in the past, in order to carry out the purposes of the Legislature and facilitate the issuance and sale of any bonds so authorized.

We express no opinion on the wisdom of the method of financing suggested by your Resolution as these matters are solely in the province of the Legislature. *State v. Griffin*, 69 N.H. 1, 31.

Respectfully yours,  
WARREN B. RUDMAN  
*Attorney General*

By: WILLIAM F. CANN  
*Deputy Attorney General*

#### SENATE MESSAGES NONCONCURRENCE

HCR 14, relating to town meeting day.

#### CONCURRENCE

HB 298, to provide for recording of short form leases.

HB 446, relative to the membership of school boards in certain school districts.

#### RECONSIDERATION

Rep. Williamson served notice that today or some subsequent day he will ask the House to reconsider its action in passing HB 205, relative to health services in public schools.

#### SENATE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 164, to allow discovery in criminal matters prior to indictment.

(Amendment in Senate Journal of April 13, 1971)

Rep. Zachos moved that the House non-concur and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. David Bradley, Nighswander and Alukonis.

### INTRODUCTION OF SB's First, second reading and referral

SB 44, relative to the time the school census shall be taken and repealing the statute dealing with school boards visits to schools. Education.

SB 63, providing that experts involved in tests under implied consent statute are not required for court testimony unless prior notice is given. Transportation.

SB 70, to provide employees with a priority of claim for wages earned. Judiciary.

The Speaker called for the Special Order for 1:02.

HB 78, to authorize Industrial Development Authority to provide housing for industrial workers.

Rep. Claffin requested a six day extension on HB 78.

Granted.

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The Speaker called for the Special Order for 1:03.

HB 384, to extend the insurance premium tax to include hospital service corporations.

On request of Rep. Coburn, Rep. Reddy explained the bill.

Rep. Robinson moved the words, ought to pass, be substituted for the committee report, inexpedient to legislate and spoke in favor of his motion.

(Rep. Trowbridge in Chair)

Reps. Levy, Reddy, Bednar, and Brungot spoke against the motion.

Reps. Mallat and Coburn spoke in favor of the motion.

(Discussion)

Motion lost.

Resolution adopted.

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Rep. Claflin requested a six day extension on HB 210, relative to establishing a state housing authority and a state housing finance agency and making an appropriation therefor.

Granted.

Rep. Roma Spaulding requested a six day extension on HB 239, permitting abortion in certain cases, HB 240, designating abortion as a legal medical procedure under certain conditions, and HB 252, permitting abortion under certain circumstances.

Granted.

Rep. Cleon Heald requested a six day extension on HB 373, providing for reimbursement to fire and rescue companies for rescue operations in state parks and reservations and making an appropriation therefor.

Granted.

### VACATE

Rep. Zachos moved to vacate reference of HB 714, relative to the right to know law, from the committee on Judiciary and refer to the committee on Statutory Revision.

Adopted.

Rep. Zachos moved to vacate reference of SB 20, providing for the regulation of community antenna television systems, from the committee on Judiciary and refer to the committee on Ways and Means.

Adopted.

Rep. Arthur Mann moved to vacate reference of HB 718, to amend the conditions of an appropriation for Dillant-Hopkins Airport, Keene, from the committee on Claims, Military and Veterans Affairs and refer to the committee on Public Works.

Adopted.

Rep. Arthur Mann moved to vacate reference of HB 722, to extend maturity dates of bonds for special facilities at the University of New Hampshire, from the committee on Education and refer to the committee on Public Works.

Adopted.

Rep. Zachos moved to vacate reference of SB 29, relative to investigating cases of abandonment and neglect of dependents from the committee on Judiciary and refer to the committee on Public Health and Welfare.

Adopted.

Rep. Roma Spaulding moved to vacate reference of HB 607, relative to the halfway house for alcoholics and making an appropriation therefor, from the committee on Public Health and Welfare and refer to the committee on Appropriations.

Adopted.

### SENATE MESSAGES INTRODUCTION OF SJR's First, second reading and referral

SJR 7, appropriating additional money for the board of accountancy. Appropriations.

SJR 13, making a supplementary appropriation for the liquor commission for fiscal year 1970-71. Appropriations.

### Acceded to request for COMMITTEE OF CONFERENCE

HB 164, to allow discovery in criminal matters prior to indictment.

The President appointed Senators Jacobson and Leonard.

SENATE CONCURRENCE ON HOUSE BILL  
WITH AMENDMENT

HB 110, relative to the conduct of voting at town and village district meetings and school districts within said town and relative to the authority of school district moderators.

(See Senate Journal 13 Apr. p. 428-429)

Rep. Hanson moved that the House non-concur and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Hanson, Ezra Mann and Robert E. O'Neil.

## COMMITTEE REPORTS

**HB 453**

exempting persons on active duty with the armed forces from payment of the poll tax. Ought to pass. Rep. Hood for Claims, Military and Veterans Affairs.

Clarifies the law to permit a practice which is already common.

Ordered to third reading.

**HB 642**

eliminating the payment of taxes as a condition precedent to receiving the service exemption from taxes. Ought to pass. Rep. Hood for Claims, Military and Veterans Affairs.

The costs of this exemption are considered in establishing tax rates.

Ordered to third reading.

**HJR 34**

in favor of Leon A. Hoik. Inexpedient to legislate. Rep. Hood for Claims, Military and Veterans Affairs.

Would establish bad precedent in that outside funds are not covering the state's share of reinstatement costs.

Rep. McLane moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Alice Davis spoke in favor of the motion.

Reps. Hood, Greenwood, Lambert, Cournoyer and Weeks spoke against the motion.

Reps. Cares, Donald Chase and Esther Davis spoke in favor of the motion.

Rep. Greenwood requested a division.

Rep. Lambert requested a quorum count.

266 members having answered, a quorum was present.

Reps. McLane and Greenwood gave a brief summary of the bill.

Rep. Raymond moved the previous question; sufficiently seconded.

Adopted.

The question being on the motion to substitute, ought to pass, for the committee report, inexpedient to legislate.

89 members having voted in the affirmative and 147 in the negative, the motion lost.

Resolution adopted.

## COMMUNICATION

To: The Speaker of the House  
Members of the General Court  
From: Hilda Brungot, Representative

I wish to take this opportunity to thank you for the overwhelming standing ovation which was given to me on April 6 by all of you. I am still recovering from the surprise.

I have always enjoyed working with you and I hope to continue, as long as God gives me the strength, to work for the welfare of my people, my City and my State.

Sincerely,

Hilda C. F. Brungot

## RESOLUTION

Reps. Spirou, Gordon, Lemieux and Boucher offered the following resolutions:

## RESOLUTIONS

*Whereas*, on Wednesday, March 31, 1971 Walter L. Hornung, with selfless disregard for his personal safety did enter a burning automobile to save the life of one Thomas Hopkinson, and

*Whereas*, such an uncommon act of bravery should not go unnoticed and unheralded, now therefore be it

*Resolved*, by the New Hampshire House of Representatives in General Court convened, that, Walter Hornung be commended for his extraordinary act of heroism which should serve as an example to his fellow man, and be it further

*Resolved*, that the Clerk of the House of Representatives transmit a copy of this resolution to Walter Hornung.

Adopted.

## BILL PLACED ON CALENDAR UNDER RULE 57

## Judiciary

HB 105, clarifying the commitment of juveniles.

To be placed on Calendar for April 20.

## BILLS PLACED ON CALENDAR UNDER RULE 57

## Public Works

HB 353, establishing a junk car fee on motor vehicles.

## Judiciary

HB 366, requiring a finding that certain facts exist before capital punishment may be imposed.

HB 417, relative to students civil rights.

## Resources, Recreation and Development

HB 357, establishing an advisory committee for the continuing overview of operations of and in state parks and making an appropriation therefor.

HB 374, providing for the acquisition of a certain dam and water rights on the Cocheco river in the city of Rochester by the water resources board and making an appropriation therefor.

## Municipal and County Government

HB 401, prohibiting amendments to the zoning laws where adequate notice thereof has not been given.

To be placed on calendar for April 21.

## COMMITTEE REPORTS CONTINUED

### HB 403

providing for a commission to study the state constitution and making an appropriation therefor. Ought to pass with amendment. Rep. Higgins for Constitutional Revision.

This makes it possible to have proposed constitutional revisions available for the Constitutional Convention to consider immediately following its being convened. The chairman of the last Constitutional Convention feels strongly that the availability of this type of study greatly contributes to the orderly and efficient operation of the convention.

## AMENDMENT

Amend section 4 of the bill by striking out the same and inserting in place thereof the following:

4 Recommendations. Any changes in the constitution proposed by the commission, along with any factual or explanatory material the commission shall deem appropriate, shall be printed by the commission in a report. Such report shall be prepared not later than January 1, 1973. Thereafter the commission is instructed to give its report wide public dissemination through whatever news media the commission shall deem proper in order that candidates for election to the constitutional convention shall be apprised of the recommendations of the commission prior to said election. Upon the election of delegates to said constitutional convention, the commission shall distribute to each delegate a copy of its report. The commission shall submit its recommendations to the constitutional convention in accordance with the rules adopted by said convention.

Rep. Russell Chase explained HB 403 with amendment.

A division was requested.

At the request of Rep. Bowles, Rep. Russell Chase answered questions.

118 members having voted in the affirmative and 103 in the negative, the amendment was adopted.

Rep. Frizzell requested a quorum count and subsequently withdrew her request.

(Speaker in the Chair)

The Speaker ruled that any request for a quorum call following a vote must be made before the vote is announced.

Rep. Richard Bradley moved that HB 403 be indefinitely postponed and spoke in favor of the motion.

Rep. Russell Chase spoke against the motion.

(discussion)

Reps. Hardy, Lawton and Sayer spoke in favor of the motion.

Reps. Harvell and Cares spoke against the motion.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

The question now being on the motion of Rep. Bradley that HB 403 be indefinitely postponed.

Adopted.

### **HB 301**

limiting the hours when snow traveling vehicles transporting firearms may be used during the deer hunting season. Ought to pass with amendment. Rep. Oswell for Fish and Game.

Amends to exempt disabled veterans.

### **AMENDMENT**

Amend the title by inserting after the word "vehicles" the words (mini bikes, and all terrain vehicles) so that said title as amended shall read as follows:

### **AN ACT**

limiting the hours when snow traveling vehicles, mini bikes,  
and all terrain vehicles transporting firearms may be used  
during the deer hunting season.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Operation of Snow Traveling Vehicles, Mini Bikes, and All Terrain Vehicles Limited. Amend RSA 269-B:11, III (supp) by inserting after paragraph (e) the following new paragraph: (f) No person, except law enforcement officers while actively engaged in carrying out their duties as such, shall operate any snow traveling vehicle, mini bike, or all terrain vehicle during the deer hunting season between the hours of seven o'clock in the forenoon and three o'clock in the afternoon while transporting any firearm on said vehicle, whether or not such person holds a permit to carry a concealed weapon. The provisions of this section shall not apply to disabled veterans qualifying under RSA 207:7-a.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 347**

relative to the manner and season for the taking of fin fish or crustaceans in estuarine or coastal waters and relative to trawling licenses. Inexpedient to legislate. Rep. Varrill for Fish and Game.

Bill will not do what committee feels necessary.

Rep. Hayes moved that HB 347 be recommitted to committee on Fish and Game and spoke in favor of the motion.

Adopted.

### **HB 456**

to permit the hunting of fisher in Sullivan county from November first to March thirty-first. Inexpedient to legislate. Rep. Randall for Fish and Game.

Covered by HB 282, which has already passed both houses.

Resolution adopted.

### **HB 558**

eliminating the minimum fine for fishing without a license. Inexpedient to legislate. Rep. Varrill for Fish and Game.

Committee feels that HB 558 already covered by HB 87 which has already passed both houses.

Resolution adopted.

### HB 516

relative to uniformed police officers in attendance at public dances, carnivals and circuses. Ought to pass with amendment. Rep. Theriault for Judiciary.

Committee felt that the amount of fine should be increased. Whether officers should be in uniform is a question to be decided on an individual basis by the local authorities.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Attendance by Uniformed Police Officers. Amend RSA 105:9 by striking out said section and inserting in place thereof the following: 105:9 Public Dances, Carnivals, Circuses. The mayor of any city and the selectmen of any town upon application of any person or persons desiring to conduct a public dance, carnival or circus, shall detail one or more police officers to attend the same, whose services shall be paid for by the applicant. No person or persons shall conduct such public dance, carnival or circus unless one or more police officers are in attendance. Whoever violates the provisions of this section shall be fined not less than twenty-five dollars nor more than one hundred fifty dollars.

Amendment adopted.

Ordered to third reading.

### HB 509

including sole proprietors under the provisions of the workmen's compensation law. Ought to pass with amendment. Rep. Cate for Labor, Human Resources and Rehabilitation.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

providing workmen's compensation on a voluntary basis to persons engaged in business under certain circumstances.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Extended Coverage. Amend RSA 281:2, III (supp) as amended, by striking out said paragraph and inserting in place thereof the following:

III. Employee, with respect to private employment, means any person in the service of an employer subject to the provisions of this chapter under any contract of hire, express or implied, oral or written, except employees employed in farm labor when not more than two persons are employed, domestic servants, casual employees, and railroad employees engaged in interstate commerce whose rights are governed by the Federal Employers' Liability Act, but including persons who regularly operate businesses or practice their trades, professions, or occupations, whether individually, or in partnership, or association with other persons, whether or not they hire employees, and only if they elect to be personally covered by this chapter.

2 Provision for Special Compensation. Amend RSA 281:2 by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding the provisions of RSA 281:22, 23 and 26, the compensation of persons who regularly operate businesses or practice their trades, professions, or occupations, as provided by paragraph III, shall be computed on the basis of eighty percent of their average weekly salaries, but no more than three hundred dollars per calendar week. The state's insurance commissioner is hereby authorized to review for his approval, at his discretion, an appropriate classification for the foregoing class of persons and a reasonable rate.

3 Effective Date. This act shall take effect July 1, 1971.

Amendment adopted.

Ordered to third reading.

**HB 425**

relative to conveyances of real estate. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Unable to be handled by some registrars.

Resolution adopted.

**HB 527**

establishing certain new charges and fees to be collected by tax collectors. Ought to pass. Rep. Blain for Municipal and County Government.

Due to increased cost of administration fees should be increased.

Ordered to third reading.

**HB 541**

relative to town appropriations for Independence Day. Ought to pass. Rep. Bednar for Municipal and County Government.

Ordered to third reading.

**HB 589**

legalizing certain meetings in the town of Windham. Ought to pass. Rep. Allen for Municipal and County Government.

Ordered to third reading.

**SB 40**

relative to petitioning for articles to be placed in town warrant. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

relative to petitioning for articles to be placed in a town or school warrant and providing a penalty.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Right to Petition Articles for School Meeting Not to be Abrogated. Amend RSA 197:6 (supp) as amended by 1965, 36:1 by striking out said section and inserting in place thereof the following: 197:6 Warrant and Articles. Upon the written application of ten or more voters or one-sixth of the voters of

the school district, presented to the school board or one of them not later than thirty days before the date prescribed for the school district meeting, the school board shall insert in the school district warrant for such meeting any subject-matter specified in such application. No article may be inserted after posting of said warrant. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

3 Penalty for Refusal to Insert Article in School Warrant. Amend RSA 197 by inserting after section 6 the following new section: 197:6-a Penalty. If the school board shall refuse to insert an article in the warrant, after being petitioned to do so in accordance with the provisions of RSA 197:6, such refusal shall be deemed to be a wilful neglect of duty, and subject the board to the penalty provided in RSA 587:31.

4 Penalty for Refusal to Insert Article in Town Warrant. Amend RSA 39 by inserting after section 3-a the following new section: 39:3-b Penalty. If the board of selectmen shall refuse to insert an article in the warrant, after being petitioned to do so in accordance with the provisions of RSA 39:3, such refusal shall be deemed to be a wilful neglect of duty, and subject the board to the penalty provided in RSA 587:31.

5 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 350**

relative to motorboat speed and the prohibiting of water-skiing on the Pemigewasset River near Plymouth. Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Interested parties prefer the route of the regulatory powers of the Division of Safety Services, after public hearing.

Resolution adopted.

### **HB 573**

to provide for replacement volumes 5 and 5-A for Revised Statutes Annotated and making an appropriation therefor. Ought to pass. Rep. Adams for Statutory Revision.

This bill is to bring up to date the replacements of RSA at request of the Chief Justice. It carries an appropriation of \$17,500.00

Referred to Appropriations.

**HB 594**

relative to the manner and number of voter signatures required to allow presidential and vice presidential candidates to have names placed on primary ballot. Ought to pass. Rep. Burleigh for Statutory Revision.

A similar bill passed the house last session. It will make our Presidential Primary more dignified and only candidates with serious intent will file.

Ordered to third reading.

**HB 514**

increasing the penalties for misuse of motor vehicle registration plates. Inexpedient to legislate. Rep. Hamel for Transportation.

The law at present gives the judge adequate guidelines for imposing sentences.

Resolution adopted.

**HB 515**

increasing the penalties for operating a motor vehicle without a license. Inexpedient to legislate. Rep. Hamel for Transportation.

Committee felt present law gives the judge adequate guidance for setting sentences.

Resolution adopted.

Rep. James O'Neil moved that HB 555, relative to issuance of certificates for carriage of household goods for hire by motor vehicle be made a special order for 11:01 tomorrow, and that HB 356, to preserve the state's landscape and its gravel supply by taxing gravel, landfill and crushed stone sold for out-of-state use and making an appropriation therefor, be made a special order for 11:02 tomorrow.

Adopted.

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Rep. Gemmill requested a six day extension on HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

Granted.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

(Deputy Speaker in the Chair)

### LATE SESSION THIRD READING AND PASSAGE BY HOUSE

HB 453, exempting persons on active duty with the armed forces from payment of the poll tax.

Rep. George Roberts wished to be recorded as voting in favor of HB 453.

HB 642, eliminating the payment of taxes as a condition precedent to receiving the service exemption from taxes.

HB 301, limiting the hours when snow traveling vehicles, mini bikes, and all terrain vehicles transporting firearms may be used during the deer hunting season.

HB 516, relative to uniformed police officers in attendance at public dances, carnivals and circuses.

HB 509, providing workmen's compensation on a voluntary basis to persons engaged in business under certain circumstances.

HB 527, establishing certain new charges and fees to be collected by tax collectors.

HB 541, relative to town appropriations for Independence Day.

HB 589, legalizing certain meetings in the town of Windham.

SB 40, relative to petitioning for articles to be placed in a town or school warrant, and providing a penalty.

HB 594, relative to the manner and number of voter signatures required to allow presidential and vice presidential candidates to have names placed on primary ballot.

### RECONSIDERATION

Rep. MacDonald, having voted with the majority, moved that the House reconsider its action in passing HB 594 and spoke against the motion.

Motion lost.

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The Speaker appointed Reps. Downing and Saggiotes as a delegation to attend Rep. Shulins funeral.

On motion of Rep. Weeks the House adjourned at 5:22 p.m.

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*Thursday, 15Apr71*

The House met at 11:00 o'clock.

### JOINT CONVENTION

Prayer was offered by House Chaplain, Rev. William L. Shafer.

ALMIGHTY GOD — whose creative power has brought forth an “open-ended universe,” and whose inspiration has led mankind to delve into the very mysteries of that universe — gratefully we acknowledge the life and contributions of New Hampshire’s native son, Commander Alan B. Shepard, Jr. of Derry, to our nation’s Space Program. As You have endowed this man with faith, knowledge, and courage — though his successful missions as pilot of FREEDOM 7 and APOLLO 14 we have seen encouraging examples of American “know-how” and teamwork. May we never forget Your loving purpose for us and for all mankind. May we never forget the many influences that shape and fit us for the work of peace, nor those whose sacrifices have made the opportunity of peace possible. So bless us, one and all, as we serve Thee with truth and honor. Amen.

Reps. Gay, Senter, Adams, McGregor and Read led the Convention in the Pledge of Allegiance.

The Speaker introduced Captain Alan B. Shepard, Jr., who addressed the Joint Convention as follows:

#### CAPTAIN ALAN B. SHEPARD'S REMARKS

It's a tremendous pleasure for me to be here with you today, to come back and see my native state after the second of a series of successful space flights. Perhaps I better say right off, that the suitan doesn't come from the moon. I bought this on a vacation last week and it cost \$32.00 a square inch. We have had a lot of very nice things happen to us, the members of the Apollo 14 crew and their wives, since the return of our trip to the moon. We have been to the White House, we've had parades in Chicago, celebrations in New York, the West Coast and it has been a pretty heady experience let me tell you, but nowhere do I feel more at home than I do right here today, and I want you to know that I appreciate this welcome far more than any we have received because it comes from home. I have seen some musings of some scribes in the newspapers over the years, one, of course, refers to the fact that there is only one astronaut that comes from the State of New Hampshire. Well, of course, this particular scribe hadn't read anything about Franconia Notch, Cannon Mountain, Daniel Webster, the great stone face, he didn't know that in New Hampshire God hangs out a sign that he makes men. Of course, not being a frugal yankee he doesn't really know that there's no sense in turning out two men when one man can do the job. I have indeed been very fortunate, as the speaker said a few minutes ago. I have been associated with the space program since its inception some twelve years ago and I have had the opportunity to follow it through some of its tribulations as well as its triumphs. I have often been asked the question, why does an individual want to, perhaps in the face of some adversities, continue to try to fly in space. I guess the answer really is a very simple one as far as I am concerned. It's something for which I have been trained over the years in aviation and in test flying. It's something which I understand and it is something I feel is important to the country. It's very thrilling to walk on the moon. It's very exciting to be up there and to plant our country's flag up there for the third time, where I might add there is no other flag planted up there to date, and

to be able to see the tremendous progress that has been made over the years in the space program. I was kind of reminded of the progress yesterday when we drove into Derry and I guess perhaps by design, or perhaps because it is a nice smooth road, we rode over the Alan B. Shepard Highway. I was reminded very vividly of the state progress because I happened to visit Derry and my parents one time when the interchange just west of Derry was being constructed, and I was asked by the head of the construction crew to come out and help them blow up some of the rocks that were out there and help them along with their construction of the highway. So I said that's fine I'd be happy to do it, so Louise and I went out, put on our tin hats and got the plunger all ready to go when all of a sudden I realized that the area which I was about to blow up was a ski jump that I used to use as a boy. You can imagine the feelings of blowing up my old ski jump on one hand versus progress on the other. Fortunately, the progress of the space program hasn't been quite so heartrending as far as I am concerned. We have enjoyed a tremendous amount of progress. I think perhaps more than that we have enjoyed a tremendous amount of national prestige. The feeling that keeps coming back to me from talking with people is that they associate with these flights something which certainly, from a practical point of view, has to be a national effort. It's just so tremendous that it can't be done by any given company, by any given private industry. I think we are reminded all the time as you talk to people and listen to people that they are, in fact, set back by problems such as we had in Apollo 14 and perhaps more importantly, people who have had a chance to be abroad to be either vacationing or in the pursuit of business overseas have said so many times what a tremendous impact this makes. A successful flight is watched, listened to and noticed by so many people overseas, not only in the so-called friendly countries but also in the so-called countries that perhaps don't think the same way we do, and I think that many of you who have had a chance to assess the program from this point of view, might like to know that this kind of prestige, this kind of positive progress which our country is making is being noticed overseas and there is really no way you can put a dollar and cents figure on that kind of a posture. These are the kinds of things we notice, I think, having been associated with it for a ten year period, and as I say, we have always tried to explain why we think it is important. I think nowadays perhaps some of

the excitement and glamour have gone out of the program, that the program has reached a sense of maturity that is even more important for us to try to explain what we think the importance of it is. Certainly I don't intend to talk today in terms of the benefits that our society has received in material process and computer sciences and these kinds of things. As a matter of fact the Space Administration has a very large, thick book (sort of like a telephone book), that tells of the thousands of things that have been invented or developed through the space program that are readily apparent for use today. But I think, perhaps more importantly, to look ahead to see how this maturity can and should be continued. We all know that technical progress is something which a country needs, and I think that perhaps if you haven't read it yet you will notice in today's paper that the Soviet Union is getting ready to launch another manned satellite which is another way of indicating that they feel that progress is important. The kind of progress that I am talking about is a steady, continued progress. It's not one that says okay we want to go to the moon then we'll sit back and wait for six years and then we're going jumping off some place else, as the kind of thing that you meet in your every day life. For example, when you unfold a newspaper and you see a weather map, even though it may not be exactly right because weather guessing is still a science, but it is better because of a manned satellite that is going around up there all the time and that's part of our space program. It should be continued and should be developed. We just had a press conference a few minutes ago and someone asked the question "how do you equate the social problems we have in the State, the social problems we have in the nation, to the tremendous amounts of money being spent for the space program?" Let me say, that I am not going to stand up here and tell you the four hundred million dollars to send a man to the moon is not a lot of money; it is. It comes out of your pocket; it comes out of my pocket, too. But I think that we should properly say that this four hundred million dollars being spent on a manned lunar landing is not in competition with our domestic, social and poverty problems. I think that if you take a look at our federal budget for fiscal 1972, you will discover, if you add up the total expenditures of the health, education and welfare programs, social security, veterans' benefits, poverty, the personal types of social expenditures, and I am excluding such things which support parks and other material domestic prob-

lems, but speak only of the personal, social problems we have in this country, find that we are spending or allocating some ninety-six billion dollars, I believe, for these kinds of problems. (coincidentally, the total space budget is only 3.2 million) So you see, we have a ratio of 30 to 1. So I say again, the space program is not, and should not, be in competition with your domestic problems; and I am saying that I think that this country's economy is viable enough to be able to tackle both problems simultaneously.

We have really had a tremendous time on the moon. I was talking again a little bit earlier this morning about what a wild place it is and somebody said "Well, just how do you explain what the moon is like?" Well, you really can't because there is no comparison with anything you have known on the earth; unless perhaps, for example, if any of you have been in a desert area or in a very clear atmosphere where you look at a tree or a bush or an oasis, or what have you, and you decide that perhaps it is only half a mile away, and you start walking toward it and it turns out to be perhaps two miles away. That's the kind of problem we faced on the moon. As perhaps some of you . . . Maybe I had better apologize . . . We are very sorry about the time of day that we chose to walk on the moon's surface. We realize, of course, that although we had no conception of the day and night up there, that it was in fact very early in the morning, and let me say that it wasn't deliberate, but it was done because we chose a particular angle of the sun, low in the horizon, behind the space craft during the actual landing, to give us the most vivid contrast between the elevation of ups and downs of the contours of the earth, the craters and the boulders and that's exactly why it was done. As you probably remember, the lighting conditions were very successful, but it gave some pretty bad hours of the day and night, and I am sorry for that. But we did have a great time up there bouncing around on the surface and as it turned out, there was a lot of talk about this tremendous crater that was a thousand feet across that we couldn't see — that's right, we couldn't see it. It turned out that we actually went a further distance and to a higher elevation than we were supposed to go looking for this crater because of the fact the air is absolutely clear. Because of the fact that we had those problems that I talked about in defining distance, we were within one hundred feet of the edge of that crater, and we couldn't even recognize it was a crater. So you

can see that we really were in an entirely different kind of an environment, as wild as it may be. It's just like nothing you have ever seen before.

Fortunately, exercising the good judgment that we enjoyed as master geologists, we sampled the right rocks, and everything I hear from the laboratories as they examine these rocks as the days go by, they are more and more excited about the findings that we brought back.

Let me say only one more thing about the moon — this again is perhaps in answer to a question that a lot of us receive — Why do you really want to go to the moon and what's the sense of spending all this money for such a thing that might really turn out to be a circus performance after all, and couldn't we go into space and do other things on a better basis, on a more economic or satisfactory basis. Well, let me tell you how I think about the moon and maybe it will help you understand why we want to go there. It is kind of like going to the South Pole. That's the way I look at it. Why do you go to the South Pole? Well, first of all, you want to explore. You want to find out where it is; is it located in the proper place geographically; is it where it's supposed to be in terms of climate and environment? Secondly, how do I live there? Then thirdly, if I want to go back there later on for some purpose, how do I establish a base camp; how do I provide for living on the South Pole? Now, the moon is kind of the same way. First of all, you want to find out — is it really there and how do you live there, and how do you survive in the hostile environment, and perhaps more than the South Pole, how does the formation and creation of the earth relate to the basic structure and crust and mantle of the moon; so that we can find out more about the earth itself and then leave some scientific observation stations up there (which we did) to send information back for several years, and then forget about it for a while because it does cost money to go there, and I think that after we finish our series of hopefully six landings on the moon, we will have reached our South Pole. Then we can afford to put our energies and efforts in perhaps something that is more productive to the nation as a whole in our sky labs or earth orbiting sky lab program. So that, as the Australians did in connection with the South Pole, discover that all hurricanes in Australia originated from the South Pole; so now they utilize this background information

gained by the early explorers who established a weather station there on a permanent basis, and they are quite happy with it. And that is the kind of thing that we like to equate with the moon. That is why it is there.

We have a couple of pictures that I would like to present (we're not going to do anything very formal here) but we do have one for the Speaker and one for the President taken on the surface of the moon (naturally, the pictures are of me) which I would like to present to the President and the Speaker for use in your chambers.

Let me say in closing, that again it is a tremendous pleasure for me to be back home; to be the recipient of such a tremendously warm welcome; and although I am not going to fly in space anymore, I am going to continue my efforts to help try to sell the program as a national effort to explain it and to help it in some of its continuing success in the future. So that although I will be doing that, I will be perhaps a little less busy than I have been in the past, and I will be able to get back home much more frequently.

Thank you so much.

Captain Shepard presented pictures of the moon landing to the President of the Senate, and Speaker of the House.

The Speaker of the House presented Captain Shepard a golf club and ball.

On motion of Senators Lamontagne and English the Joint Convention arose.

## HOUSE LEAVES OF ABSENCE

Rep. Mallat and Coughlin, the day, important business.

## RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 832 through 845 and House Joint Resolution number 48 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading &amp; referral

HB 832, repealing the statutes relative to management-employee relations in state employment. (McDonough of Hillsborough Dist. 32 — To Executive Departments and Administration.)

HB 833, increasing the jurisdiction under small claims procedures. (Bradley of Grafton Dist. 9 — To Judiciary.)

HB 834, providing for day use passes in state parks and establishing the fees therefor. (Cox of Carroll Dist. 2; Williamson of Sullivan Dist. 9 — To Resources, Recreation and Development.)

HB 835, providing an alternate method of adopting zoning ordinances in towns of a population of less than three thousand. (Hanson of Merrimack Dist. 6 — To Municipal and County Government.)

HB 836, relative to county tax anticipation notes. (Leavitt of Rockingham Dist. 21 — To Municipal and County Government.)

HB 837, providing insolvency protection to policyholders of life and health insurance. (Coughlin of Cheshire Dist. 11 — To Banks and Insurance.)

HB 838, to authorize demand deposits in cooperative banks, savings and loan associations, building and loan associations and federal savings and loan associations. (Greeley of Merrimack Dist. 16 — To Banks and Insurance.)

HB 839, relative to fees charged by the Hillsborough county register of deeds. (Keeney of Hillsborough Dist. 23; Colburn of Hillsborough Dist. 5 — To Special Committee — Hillsborough Delegation.)

HB 840, revising the charter of the city of Rochester. (Thompson of Strafford Dist. 11; Balomenos of Strafford Dist. 15 — To Special Committee — Rochester Delegation.)

HB 841, establishing a district court in the town of Alton. (Mutzbauer of Belknap Dist. 7 — To Judiciary.)

HB 842, requiring the payment of interest on Christmas, vacation and certain other bank accounts. (Walsh of Hillsborough Dist. 31 — To Banks and Insurance.)

HB 843, authorizing provisional licenses in emergency situations for nursing home administrators. (Tarr of Merrimack Dist. 28; Foster of Grafton Dist. 11 — To State Institutions.)

HB 844, amending the management-employee relations act. (Cote of Hillsborough Dist. 29; McDonough of Hillsborough Dist. 32 — To Executive Departments and Administration.)

HB 845, relative to the issuance of an occupational motor vehicle license in certain cases. (Altman of Grafton Dist. 14 — To Transportation and Aeronautics.)

HJR 48, establishing a commission to establish qualifications for real estate appraisers. (Coughlin of Cheshire Dist. 11 — To Executive Departments and Administration.)

## SENATE MESSAGE CONCURRENCE

HJR 12, making a supplemental appropriation for the racing commission.

## ENROLLED BILLS REPORT

HB 68, prohibiting the hunting or taking of white deer, and defining the same.

HB 80, to reduce the percentage of alcohol in the blood constituting prima facie evidence of intoxication and relative to samples taken for the purposes of the implied consent law.

HB 174, amending the charter of the Manchester Children's Home.

HB 217, relating to occupational health services.

HB 246, authorizing the use of breath tests to determine the percentage of alcohol in the bloodstream of motor vehicle operators.

SB 56, relative to the suspension of motor vehicle licenses of minors in possession of alcoholic beverages.

Roxie A. Forbes  
For The Committee.

FURTHER SENATE MESSAGES  
INTRODUCTION OF SB  
First, second reading and referral

SB 61, relative to imposing sentences of commitment in criminal cases. Judiciary

CONCURRENCE ON HOUSE BILL  
WITH SENATE AMENDMENT

HB 224, relative to number of ballots to be printed for primary elections.

The Clerk read the amendment in full.

Rep. MacDonald moved that the House concur with the Senate amendment.

(Amendment printed in SJ of April 14, 1971.)

Adopted.

COMMITTEE REPORTS

**HB 186**

relating to an interstate boundary commission for the marine boundary between New Hampshire and Maine. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

**SB 6**

providing that when highway work requires relocating municipally owned underground utility facilities the governmental agency doing the work shall pay for the trenching and backfilling. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Relocation of Underground Utilities. Amend RSA 229 by inserting after section 6 the following new section: 229:6-a Cost of Trenching for Relocation of Underground Utilities. When the commissioner shall determine that a highway recon-

struction, relocation, or maintenance project financed in whole or in part by state funds and conducted under department of public works and highways supervision or control necessitates the relocation of any municipally-owned subterranean utilities facilities, any trenching and backfilling required for such relocation shall be part of the cost of such reconstruction, relocation, or maintenance and shall be provided by the governmental agency which is carrying out such highway work at no cost to the municipally-owned utility, and the governmental agency shall pay the municipality for the book value (original cost less allowable depreciation) at the time the municipally-owned subterranean facility is retired. Provided, however, that if a public utility other than a municipally-owned utility makes use of a relocation trench provided for in this section, said utility shall pay the governmental agency carrying out such work its proportionate share of the cost of such trenching and backfilling.

2 Application of Statute. If any relocation which comes under the provisions of RSA 229:6-a has been started but not completed on the effective date of said section the governmental agency shall provide the full cost of the trenching and backfilling at no cost to the municipally-owned utility and shall pay for the book value of the facility as provided by said section. If the trenching and backfilling portion of any such project has been completed on the effective date of RSA 229:6-a said section shall not apply.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

#### **HB 469**

prohibiting the varying of rates for motor vehicle liability insurance based solely on age groups. Inexpedient to legislate. Rep. Lamy for Banks and Insurance.

Age must be taken into consideration.

Resolution adopted.

#### **HB 561**

providing that the commissioner of education be elected. Inexpedient to legislate. Rep. Abbott for Education.

The office of commissioner requires a candidate with extensive professional knowledge and many added special qualifications. Popular election would not guarantee such professional competency.

Resolution adopted.

**HB 578**

to amend the New Hampshire higher educational and health facilities law. Ought to pass with amendment. Rep. Hughes for Education.

Technical amendments to the New Hampshire Higher Education and Health Facilities law to permit the Authority to operate more efficiently. Committee amendment deleted section 11 of the original bill which was objected to by the Banking Commission and agreed upon by the Sponsor.

**AMENDMENT**

Amend section 11 of the bill by striking out said section in its entirety.

Amend sections 12, 13, 14, 15 and 16 of the bill by renumbering said sections:

11

12

13

14 and

15

Amendment adopted.

Ordered to third reading.

**HB 616**

allowing payments in lieu of taxes to the town of Plymouth by Plymouth state college. Ought to pass. Rep. Abbott for Education.

Permits temporary authorization for the college to help the town with the cost of rubbish collection and disposal.

Ordered to third reading.

## RECONSIDERATION

Rep. Drake, having voted with the majority, moved that the House reconsider its action in ordering HB 616 to third reading, and that it be referred to the committee on Appropriations.

Adopted.

**HB 459**

prohibiting the use of aircraft on the surface waters of Lake Kanasatka. Inexpedient to legislate. Rep. Colburn for Environmental Quality and Agriculture.

Committee feels the situation at this time does not require such a severe restriction.

Resolution adopted.

**HB 492**

relative to the statute of limitations in divorce actions. Inexpedient to legislate. Rep. Zachos for Judiciary.

Committee feels that the statute of limitations does not apply to divorce actions. Other ways to solve the problem without opening a whole can of worms.

Resolution adopted.

**HB 563**

removing the requirement for affidavits as to payment of head and poll taxes for registration of motor vehicles. Inexpedient to legislate. Rep. Margaret Griffin for Judiciary.

Would delete from the statute the present requirement regarding payment of certain taxes before obtaining permit to register a motor vehicle, etc. Most testimony indicated that present system, though not perfect, works well. No great need for change indicated.

Resolution adopted.

**HB 572**

establishing the marketability of title to real property after twenty-five years unless notice is recorded. Refer to Judicial Council. Rep. Margaret Griffin for Judiciary.

A real problem exists in regard to clouds on real estate titles, but this bill is so broad that it should be studied before enactment.

Resolution adopted.

SENATE MESSAGE  
SENATE CONCURRENCE ON HOUSE BILL  
WITH SENATE AMENDMENT

HB 63, creating an interim committee to study the problems of disposing of beverage bottles and cans.

(Amendment printed in SJ Apr. 13 p. 430)

Rep. Greene moved that the House concur in the Senate amendment.

Adopted.

VACATE

Rep. Roma Spaulding moved to vacate reference of HB 726, relative to the right to mental health by public school teachers, from the committee on Public Health and Welfare and refer to Education.

Adopted.

COMMITTEE REPORTS CONTINUED

**HB 435**

establishing a state department of children and youth services, and making an appropriation therefor. Majority: Inexpedient to legislate, Rep. Thompson for Labor, Human Resources and Rehabilitation; Minority: Ought to pass with amendment, Reps. Radway, Sysyn and Cate.

Rep. Cate moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Lawton moved that HB 435 be indefinitely postponed and spoke in favor of the motion.

Reps. Raiche, James O'Neil and George Roberts spoke against the motion.

At the request of Rep. George Roberts, Rep. Malcolm Stevenson answered questions.

Reps. Gerry Parker, McDonough, Ouellette and Bednar spoke in favor of the motion.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

On a vv the Speaker was in doubt and requested a division.

130 members having voted in the affirmative and 135 in the negative the motion lost.

Rep. Gerry Parker requested a roll call, seconded by five members.

Rep. Philip Smith moved to postpone the roll call until after recess, and subsequently withdrew his motion.

Rep. Brummer moved that HB 435 be made a special order for 11:01 Tuesday next and spoke in favor of the motion.

Rep. Brummer restated his motion that the roll call on HB 435 be made the first order of business Tuesday next.

A division vote was requested.

It being manifestly in the affirmative the motion carried.

## **HJR 35**

establishing a governor's fire safety committee. Inexpedient to legislate. Rep. Barker for Municipal and County Government.

Resolution adopted.

## **SB 72**

relative to the issuance of state notes. Ought to pass with amendment. Rep. Hackler for Public Works.

## **AMENDMENT**

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3 Approval of Governor for Sale of Notes Deleted. Amend RSA 6A:6 (supp) as inserted by 1967, 88:1 by striking out the last sentence so that said section as amended shall read as follows: 6-A:6 Sale of Bonds. Bonds issued hereunder shall be sold

by the state treasurer with the approval of the governor and council in such manner as the governor and council deem to be most advantageous to the state.

Amendment adopted.

Referred to Appropriations.

### **HB 570**

relative to liability for tuition of minors confined in state institutions. Inexpedient to legislate. Rep. Bernard for State Institutions.

We feel that this is a function of the Rehabilitation Program in each state institution.

Resolution adopted.

The Speaker called for the special order for 11:01 on HB 356.

Rep. Maynard moved that HB 356, to preserve the state's landscape and its gravel supply by taxing gravel, landfill and crushed stone sold for out-of-state use and making an appropriation therefor, be referred to an interim environmental study committee, composed of two members appointed by the Speaker, one by the President of the Senate, two by the Governor to report to the next convening session of the Legislature.

Adopted.

### **RECONSIDERATION**

Rep. White served notice before 1:30 that today or some subsequent day he would ask for reconsideration of the action of the House in killing HJR 34, in favor of Leon A. Hoik.

### **VACATE**

Rep. Merrill moved to vacate reference of HB 707, relative to line of duty injuries of fish and game personnel, from committee on Labor, Human Resources and Rehabilitation and refer to the committee on Executive Departments and Administration.

Adopted.

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Rep. James O'Neil moved that HB 163, relative to open space being used for recreational purposes, HB 373, providing for reimbursement to fire and rescue companies for rescue operations in state parks and reservations and making an appropriation therefor and HB 555, relative to issuance of certificates for carriage of household goods for hire by motor vehicle, be made the second order of business on Tuesday next.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by captain only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Adopted.

(Deputy Speaker in the Chair)

#### UNANIMOUS CONSENT

Rep. Roma Spaulding addressed the House by unanimous consent.

#### LATE SESSION

Third reading and passage by House

HB 186, relating to an interstate boundary commission for the marine boundary between New Hampshire and Maine.

SB 6, providing that when highway work requires relocating municipally owned underground utility facilities the governmental agency doing the work shall pay for the trenching and backfilling.

HB 578, to amend the New Hampshire higher educational and health facilities law.

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On motion of Rep. Brungot the House adjourned at 1:06 in honor of Captain Alan B. Shepard.

*Tuesday, 20Apr71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

CHRISTOS ANESTE . . . Almighty GOD, who hast revealed Thy Presence in the person of Jesus Christ, and Thy Power in the works of Thy Holy Spirit, may the joyous dawn of this holy season (\*) fill our empty lives and hearts with the true happiness. May our lives reflect all that is good and true, that we may more perfectly honor Thee in our daily endeavors. May we find that perfect peace which passes all human understanding and share this blessing without fear nor with shame. May our witness be more than empty words, more than selfish ambition, and more than vague dreams — arm each of us with courage and purpose that we may do Thy Will and build the better world today. Amen.

(\* — Greek Orthodox “Easter”).

Rep. Armand Duhaime led the Pledge of Allegiance.

The Speaker presented Dr. J. Duane Squires of New London, Chairman of the New Hampshire American Revolution Bicentennial Commission, who addressed the House.

Rep. Sherman moved that the remarks of Dr. J. Duane Squires be printed in the Journal.

Adopted.

#### DR. SQUIRES' REMARKS

Mr. Speaker, Mr. President, Ladies and Gentlemen of the House and Guests: Let me begin this brief address by thanking you for the privilege of speaking here today. Established by Chapter 455 of the Session Laws of 1969, the New Hampshire American Revolution Bicentennial Commission has been functioning now for ten months. We have 25 members appointed by the Governor, and coming from all parts of the State. It may interest you to know that three of the four officers of our Commission are or have been members of the General Court, and several other members share the same distinction. The Com-

mission meets at quarterly intervals in the Council Chamber in this building; and any of you would be welcome as guests during any of our sessions. Under the law we are charged to have the first commemorative program in 1974, so that at present we are still in the planning stage for our activities.

I have been invited to discuss with you today the general significance of the Bicentennial commemoration, not only for New Hampshire but for the nation as a whole. In the very nature of the case, such a commemoration can occur only once every hundred years. You and I, therefore, have a unique opportunity, afforded to but one previous generation in American history — the men and women of a century ago —, to observe in a fitting manner the establishment of the United States of America. As President Lincoln once said in another connection: "It is altogether fitting and proper that we should do this." It is fitting and proper, I think, to undertake this commemoration, not only for those of us who live in the original thirteen states (of which New Hampshire is one), but also in all the younger thirty-seven states. And it is fitting and proper, of course, not only in the fifty states, but on the national level as well.

Today, ladies and gentlemen, is April 20, 1971. On this precise day, 196 years ago, a chain reaction of public opinion was sweeping through New Hampshire. The day before, April 19, 1775, as you all know, at Lexington and Concord, a few miles to the south of us, there had been fired the shots "heard round the world." Swift couriers brought the tidings to New Hampshire and there was an electrifying response on April 20. Consider these few instances: (1) that day Captain Andrew McClary led 34 minutemen from Epsom to Cambridge, Mass., marching the distance of 70 miles in 24 hours; (2) from Epping Dr. Henry Dearborn took a hundred men to Medford, Mass., reaching there early on the morning of April 21; (3) from Exeter Captain James Hackett brought 108 men; (4) from Keene Captain Isaac Wyman took 30 men; (5) and from Amoskeag Falls Colonel John Stark took many score volunteers all the way to Lexington. In less than a week there were upwards of 2000 New Hampshire men, commanded by the intrepid Stark, helping to draw fortified lines about the British forces in Boston.

Yes, April 20, 1775 is a date of great renown in the history of New Hampshire. And so, on this anniversary 196 years later,

I would suggest two thoughts as we contemplate the rapidly-approaching Bicentennial of our country.

In the first place, we must always remember that the American Revolution was a *political movement*, carried through with immense courage and tenacity by the people of this and the other twelve states from 1775-1783. Basically, it was not an economic revolt, or a class struggle, or a social upheaval, or a religious controversy. It was a political movement, seeking to regain and retain the liberties which our forebears had long enjoyed and to which they were deeply devoted.

Those who led the American Revolution were largely people like yourselves, legislators, or other publicly elected officials. They were ably assisted by many veterans from the Seven Years War which ended in 1763. These leaders were thoroughly familiar with British history, especially the "Glorious Revolution of 1689," when the British people expelled King James II, and brought in King William and Queen Mary. More than any other single event, this Revolution of 1689 in the minds of our forefathers justified their Revolution of 1775.

As the Declaration of Independence makes clear, Americans had more than two dozen serious grievances against the British monarchy. When every effort of persuasion and conciliation had failed — and there were many such efforts —, and when the imperial government made clear its intention forcefully to coerce the colonists, they resisted with force of their own. But the motivation was political; and it was, I repeat, to regain and to retain the liberties they had long enjoyed.

I urge each one of you in the years ahead to read and re-read the Declaration of Independence. It is printed in your *Manual for the General Court*, better known as the *Red Book*. That Declaration was signed by 56 men, including three from New Hampshire. Consider the price these signatories were ready to pay for their courage and forthrightness. They signed that document putting their very lives on the line. They knew full well that the penalty, if their cause failed, might well be loss of all property or death. And for many of them it came speedily. Twelve of the 56 had their homes ransacked and burned. Nine of them died of wounds or hardships suffered during the war. For fidelity to their political revolution these leaders paid a great price.

So did many less famous folk here in New Hampshire. There were about 200 towns in our State in 1775, and there were heroic men and women in each one of them. The First New Hampshire Continental Regiment served continuously for 8 years and 8 months, probably the longest record of any unit in General Washington's army. New Hampshire troops outnumbered those of all other states at the Battles of Bunker Hill and Bennington. In each battle John Stark, whose statue stands a few feet from this room, was the commander. Meshech Weare of Hampton Falls had the well-nigh unbelievable responsibility of serving simultaneously as President of the Council, Chief Justice of the Superior Court, and Chairman of the Committee of Safety, — a burden of official duties never carried by any other individual in the history of this State. The plain people of New Hampshire endured a war-time inflation which in paper money pushed prices upwards a hundred-fold, so that in 1781 an item that had cost \$1.00 in 1775 had risen to \$100.00.

In the second place, as we come to the Bicentennial, we must always remember that the commemoration can achieve its potential value only if we seek to realize in our day the profound truths for which the War for Independence was fought 200 years ago. "United we stand; divided we fall," said the leaders of the American Revolutionary War. "In Union there is strength," they repeated a thousand times. In this forthcoming 200th birthday commemoration let us remember those great aphorisms. Somehow we must create in our day a renewed respect and affection for a united nation, and a sense of pride in being a citizen of this country.

There is nothing superficial or ephemeral in such a goal. It applies to us of the Bicentennial Commission, to you of the General Court, and to all others in high places. In the years ahead we all must strive together for a genuine appreciation of the past, and for an unaffected dedication to the high ideals which were the aspiration of our founders two centuries ago.

In this era of frustration, apathy, and dissent, the creation of a new public attitude is a formidable — perhaps impossible task. But it is the great opportunity of the Bicentennial here in New Hampshire and elsewhere. The undertaking must be shared not only by you in places of authority and by us on the Commission, but by the schools, the churches, all manner of clubs, women's groups, patriotic societies, veterans organiza-

tions, and youth activities. I earnestly bespeak your help and assistance in this great task over the next few years.

A few weeks ago delegates from the Bicentennial Commissions of the original thirteen states met in Raleigh, North Carolina. There were two from New Hampshire there, Mrs. Anne B. Gordon of Jaffrey, Secretary of the New Hampshire Commission, and myself as Chairman. For parts of three days twenty-six men and women sought to make meaningful plans for the forthcoming national commemoration from 1975-1983. It was an impressive experience for us all.

Legislators, whether in New Hampshire, in the other forty-nine states, or in the nation face countless problems today. None know this better than yourselves. But so did your predecessors 200 years ago. It will strengthen us if we recall what a member of the House of Burgesses in Virginia said to his colleagues in that House 196 years ago this spring. The gentleman's name was Patrick Henry, and he spoke as follows:

"I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging the future but by the past."

At least for the duration of the Bicentennial let all Americans unite in that conviction.

#### LEAVES OF ABSENCE

Rep. Cate, the day, illness.

Rep. Fernald, today and tomorrow, illness.

Reps. Brunelle and Brown, indefinite, illness.

Reps. Perkins and Stimmell, the day, important business.

Reps. Noble and Gerry Parker, the week, important business.

#### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 846 through 855 and House Joint Resolution number 49 shall be by this resolution read a first and second time by the therein listed titles, laid on the

table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 846, requiring preliminary notice to taxpayer of increase in assessment. (Dion of Hillsborough Dist. 29; Montplaisir of Hillsborough Dist. 28 — To Municipal and County Government.)

HB 847, relative to the regulation of outdoor advertising and establishing a travel information council. (Woods of Rockingham Dist. 28 — To Executive Departments and Administration.)

HB 848, relative to actions to quiet title against known and unknown persons. (Sayer of Rockingham Dist. 7; Bradley of Grafton Dist. 9 — To Judiciary.)

HB 849, increasing the mileage and per diem allowance for sheriffs and their deputies. (Sweeney of Hillsborough Dist. 36; Parnagian of Strafford Dist. 19; Gay of Rockingham Dist. 5 — To Municipal and County Government.)

HB 850, clarifying the powers of sheriffs and police officers. (Sears of Grafton Dist. 18 — To Municipal and County Government.)

HB 851, relative to the requirements for the issuance of an operator's license to certain new drivers. (Raiche of Hillsborough Dist. 34 — To Transportation and Aeronautics.)

HB 852, defining charitable trusts and providing for the filing of instruments and reports relative to said trusts. (Zachos of Hillsborough Dist. 27 — To Judiciary.)

HB 853, relative to salaries of probation officers being established by town. (Forcier of Cheshire Dist. 6 — To Judiciary.)

HB 854, relative to the sale of hypodermic syringes. (Gordon of Merrimack Dist. 9 — To Judiciary.)

HB 855, relative to fees paid by municipalities for engineering services relative to sewage disposal systems. (Trowbridge of Cheshire Dist. 4 — To Public Works.)

HJR 49, requesting the judicial council to study and make recommendations relative to the uniform partnership act. (Milne of Hillsborough Dist. 27 — To Judiciary.)

### SENATE MESSAGES CONCURRENCE ON SBs WITH HOUSE AMENDMENTS

SB 40, relative to petitioning for articles to be placed in town warrant.

(Amendment printed in HJ Apr. 15, 1971)

### CONCURRENCE IN HOUSE AMENDMENT

SB 6, providing that when highway work requires relocating municipally owned underground utility facilities the governmental agency doing the work shall pay for the trenching and backfilling.

(Amendment printed in HJ Apr. 15, 1971)

### CONCURRENCE IN COMMITTEE OF CONFERENCE

HB 110, relative to the conduct of voting at town and village district meetings and school districts within said town and relative to the authority of school district moderators.

The President appointed Senators Jacobson, Ferdinando and Marcotte.

### CONCURRENCE

HB 2, providing that voting residence is not lost by being in a nursing or convalescent home or hospital.

HB 100, relative to enacting the uniform state feed bill and repealing the commercial feed law.

HB 322, relative to dogs pursuing game.

HB 334, relative to the commitment of drug dependent persons.

### CONCURRENCE ON HBs WITH SENATE AMENDMENTS

HB 62, relative to bob houses.

(Amendment printed in SJ April 15, p. 468-9)

Rep. Hayes moved that the House concur with the Senate amendment.

Adopted.

HB 274, providing for certain transfers in the appropriations for fiscal year 1971 for the division of vocation rehabilitation.

(Amendment printed in SJ April 7, p. 375)

Rep. Drake moved that the House concur with the Senate amendment.

Adopted.

HB 233, relative to the definition of a child-caring agency.

(Amendment printed in SJ April 15, p. 465)

Rep. Roma Spaulding moved that the House concur with the Senate amendment.

Adopted.

### VACATE

Rep. James O'Neil moved to vacate reference of HB 712, relative to traffic safety fund, from the committee on Appropriations and refer to the committee on Education.

Adopted.

### COMMITTEE REPORTS

#### HB 531

authorizing cooperative banks, building and loan associations, mutual savings banks, savings and loan associations, or federal savings and loan associations to organize a service corporation. Ought to pass with amendment. Rep. Lamy for Banks and Insurance.

Amendment removes original bill from a restrictive chapter and places it in the chapter of law covering all financial institutions.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Service Corporations. Amend RSA 384:16-b by striking out said section and inserting in place thereof the following: 384:16-b Service Corporations. Any state or federally chartered bank or association doing business in New Hampshire may organize and purchase the capital stock, obligations or other securities as well as to participate, invest in and utilize the services of a corporation formed only to provide services compatible with the purposes, powers and duties of any of the named financial institutions. Such service corporations may also provide mechanical, clerical, and record keeping services for other corporations, persons or governmental units subject to the approval of the bank commissioner. Notwithstanding any contrary provision of law relating to investments by such a financial institution, any such financial institution may at any time have outstanding investments in such a service corporation not exceeding ten percent of its savings deposits or capital assets, whichever may be greater.

Amendment adopted.

Ordered to third reading.

### HB 610

providing for the mailing of sample ballots and voter information to all registered voters by the secretary of state prior to any general election and making an appropriation therefor. Inexpedient to legislate. Rep. Russell Chase for Constitutional Revision.

This bill recognizes the need to inform voters regarding candidates and constitutional amendment. The committee supports the idea but feels that the cost of carrying out the intent by the state prohibits its passage. The committee commends the idea for local use.

Resolution adopted.

**HB 503**

to require kindergartens in all elementary schools. Inexpedient to legislate. Rep. Balomenos for Education.

The committee unanimously rejected the compulsory approach in favor of the permissive, local option approach in HB 470.

Resolution adopted.

**HB 674**

authorizing institutions of higher learning to expel students who fail to attend classes regularly. Inexpedient to legislate. Rep. Charles Roberts for Education.

Sponsor failed to appear and support bill at public hearing. Ample administrative authority presently exists to achieve purpose of the bill, if necessary.

Resolution adopted.

**HB 418**

relative to the disposal of certain construction and industrial wastes. Inexpedient to legislate. Rep. Colburn for Environmental Quality and Agriculture. Minority: Rep. Chandler.

Resolution adopted.

**HB 551**

clarifying the duties of the deputy attorney general. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

A housekeeping bill. Presently deputy attorney general can act in the *absence* of the attorney general but if there is no attorney general in office the deputy attorney cannot assume the duties of the attorney general.

Ordered to third reading.

**HB 599**

providing for volunteer probation counsellors for minors charged with a crime, and making an appropriation therefor. Ought to pass with amendment. Rep. Frizzell for Judiciary.

Authorizes director of probation to appoint volunteer sponsors to work with persons on probation. No appropriation.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for volunteer probation counsellors.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Volunteer Probation Counselors. Amend RSA 504 by inserting after section 18 the following new section: 504:19 Volunteer Counsellors. The director shall have the right, subject to regulation by the board, to appoint qualified volunteer sponsors, to assist probation officers in the supervision, guidance and rehabilitation of persons on probation. The volunteer sponsors shall keep confidential all information in their possession relative to persons on probation, and shall serve without compensation.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 658**

relative to anatomical gifts. Ought to pass with amendment. Rep. Margaret Griffin for Judiciary.

Reduces from three to two the number of witnesses required for the signing of an anatomical gift document or for the oral revocation of a gift previously made.

**AMENDMENT**

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Number of Witnesses in Cases of Amendment or Revocation. Amend RSA 291-A:6, I, (b) (supp) as inserted by 1969, 345:1 by striking out said subparagraph and inserting in place thereof the following: (b) an oral statement made in the presence of two witnesses and communicated to the donee, or

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 577**

relative to reporting of fires to the state fire marshal's office. Ought to pass with amendment. Rep. Blain for Municipal and County Government.

### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Report Limit Increased. Amend RSA 153:11 as amended by 1957, 59:1 and 1959, 12:1 by striking out said section and inserting in place thereof the following: 153:11 Report of Causes and Origin of all Fires. Every fire occurring in this state shall be reported in writing to the state fire marshal within ten days after the occurrence of the same by the appropriate associate advisor and shall be in the form prescribed by the board and shall contain a statement of all facts relating to the cause and origin of such fire, so far as is possible, the extent of damage thereof and the insurance upon such property, and such other information as may be required. Fires resulting in losses of under fifteen hundred dollars need not be reported. The board shall cause to be prepared necessary instructional data for the associate advisors and sufficient forms for their use in the reports required hereby and cause them to be printed and sent to each associate advisor. When the cause, origin and circumstances of any fire occurring in any city, town, village district or precinct in this state indicates that such fire was the result of design, or of suspicious origin the associate advisor shall immediately notify the chief of police and the county attorney.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 — Insurance. Amend RSA 153:13 as amended by 1957, 225:1 by striking out said section and inserting in place thereof the following: 153:13 Reports of Insurance Companies. Every fire insurance company transacting business in this state is hereby required to file with the board through a recognized bureau or organization of companies or through the secretary or other officer of the insurance company, a monthly report of fire losses showing the name of the assured, designating the class of occupancy, location of the property burned and probable causes of fire. Losses under fifteen hundred dollars need not be included in such reports. In the case of a fire of suspicious origin a preliminary report shall be made immediately through such bureau or association of companies or through some officer of the insurance company, showing the name of the assured, the date of the fire, location, occupancy, and such facts and circumstances as shall come to their knowledge and tending to establish the cause or origin of the fire.

Amendment adopted.

Ordered to third reading.

#### **HB 678**

to legalize the Haverhill town meeting of March 9, 1971. Ought to pass. Rep. Mann for Municipal and County Government.

Ordered to third reading.

#### **HB 197**

providing that the state shall reimburse cities and towns for taxes lost because of exemptions to veterans and making an appropriation therefor. Inexpedient to legislate. Rep. Greenwood for Claims; Rep. Hanson for Municipal and County Government.

Resolution adopted.

#### **HB 433**

relative to safeguarding the public health. Inexpedient to legislate. Rep. Bernard for Public Health and Welfare.

Resolution adopted.

#### **HB 325**

authorizing the water resources board to control the release or withholding of stored water if necessary for the public health

or safety. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Committee felt bill with amendments gives needed protection to property owners on inland public waters.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Water Resources Board Empowered to Direct Changes. Amend RSA 484:1 by striking out said section and inserting in place thereof the following: 484:1 Investigation of Levels of Inland Waters. The water resources board may, upon its own motion or at the request of the attorney-general or upon complaint of not less than ten owners of property on any inland public water in the state, make a preliminary investigation of conditions affecting the use and enjoyment of any such public water, whenever it shall be of the opinion that such investigation would be in the public interest. If, as a result of any such preliminary investigation, it shall appear to the board that the management and control of any outlet of any such public water and the instrumentalities connected therewith are carried on or used in such manner that the value of shore property above or riparian rights below such outlet or the enjoyment of such water by the public is seriously and adversely affected, it may make further investigation with a view to ascertaining the respective rights of all interested parties, including the public. If, as a result of such further investigation after public hearing the board shall be of the opinion that such management and control is lawful, but that changes in the manner of the exercise of the right of management and control would be of benefit to others without undue injury to the owner of the outlet, it shall direct such changes as in its opinion would be of benefit to the public and private interests concerned.

Amend the bill by striking out section 2 thereof and inserting in place thereof the following:

2 Water Resources Board. Amend RSA 482:2 by striking out in line twenty-one the words "it may recommend" and inserting in place thereof the words (it shall direct) so that said section as amended shall read as follows: 482:2 Investigation of High and Low Levels. The water resources board is authorized

to make such investigations as in its opinion the public good requires, with respect to high or low water levels in the inland public waters of the state, and the rights, instrumentalities and practices whereby such levels are affected or controlled, with a view to the exercise of such control thereof, in a manner consistent with public and private rights and interests, as will best promote the public health and safety and the enjoyment and value of such public waters. In such cases as the board may deem expedient it may ascertain the extent to which owners and managers of dams take into consideration variations of run-off and plan for and anticipate emergencies. Owners of dams at the reasonable request of the board shall make available to the board such records of water levels and flow of inland public waters as are made and kept by such owners to assist the board in knowing the remaining storage capacity of reservoirs, whether created by dams or otherwise, and to gauge the flow of streams. From time to time the board may call to conference owners of dams for the purpose of obtaining co-operation in the regulation of stream flow to minimize damage to public and private property at times of high water. Whenever in the opinion of the board an emergency exists or is threatened whereby the public health or safety may be jeopardized by the release or withholding of stored waters, it shall direct such action by the owner or manager of a dam with respect to the release or withholding of water as it may deem necessary in the public interest.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

#### **HB 354**

providing for the acquisition of a certain dam and water rights on Lake Skatutakee in the town of Harrisville by the water resources board and making an appropriation therefor. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Resolution adopted.

#### **HB 370**

providing for the acquisition of a certain dam and water rights on the Contoocook River by the water resources board.

Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Resolution adopted.

**HB 234**

relative to the salaries of the Rockingham county sheriff, chief deputy sheriff and deputy sheriffs. Inexpedient to legislate. (Withdrawn by sponsor) Rep. Casassa for Rockingham Delegation.

Resolution adopted.

**HB 379**

increasing the penalties for operating a motor vehicle after revocation or suspension of license. Ought to pass with amendment. Rep. Hamel for Transportation.

Sets minimum fine at \$100 or one month imprisonment but leaves the maximum the same. Amendment (1) revokes license for driving after suspension and (2) allows double period of ineligibility for driving after revocation.

AMENDMENT

Amend the bill by striking out section 1 thereof and inserting in place thereof the following:

1 Penalties Increased. Amend RSA 262:27-b (supp) as inserted by 1967, 281:1 and amended by 1969, 107:1 by striking out said section and inserting in place thereof the following:

262:27-b Operating after Revocation or Suspension. Any person convicted of operating a motor vehicle in this state after his license to operate has been suspended or revoked, shall upon conviction pay a fine of not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than one month nor more than six months. In addition to the penalties hereinabove prescribed, any person convicted:

I. Of operating while his license is under suspension shall have his license revoked and he shall not be eligible to apply for a new license for such a period up to one year as the court may prescribe;

II. Of operating after his license has been revoked shall have the period of his ineligibility for a new license extended by

up to twice the period of ineligibility originally attached to said revocation.

Amendment adopted.

Ordered to third reading.

**HB 533**

to clarify motor vehicle title exemptions. Inexpedient to legislate. Rep. Hamel for Transportation.

Current law is adequate and does not require change.

Resolution adopted.

**HB 596**

relative to municipal permits for previously registered motor vehicles. Inexpedient to legislate. Rep. Hamel for Transportation.

Report of inexpedient requested by sponsors.

Resolution adopted.

The Speaker called for the Special Order of Business on

**HB 435**

establishing an office of child and youth services, and making an appropriation therefor.

The question being on the motion that HB 435 be indefinitely postponed.

ROLL CALL

YEAS: 155      NAYS: 191

YEAS

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Barnard, Monier, Weilbrenner, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Carter, Coburn, Bragdon, Brocklebank, Belzil, Record, Belcourt, Lesage, Trombley, Mason, Desmarais, Gardner, Cleon J., Lachance, Chamard, O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Ouellette, Sirois, Bissonnette, Bednar, Keeney, Rodgers, Dwyer, Bridges, Ackerson, Murphy, Francis, Cote, Joseph L., Dion, Duhaime, Armand L., Manning, Walsh, Clancy, Healy, Lynch, John T., McDonough, Boisvert, Emile,

Leclerc, Simard, Champagne, Chevette, Derome, St. Onge, Lynch, Doris T., O'Connor, James P., Sweeney, Clear, Levasseur, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

MERRIMACK COUNTY:

Hardy, Riley, Gordon, Little, Bartlett, Thompson, Doris L., Dempsey, Piper, Mattice, Humphrey, James A., Cheney, Charles H., Howland, Sanders, Wilson, Ralph W.

ROCKINGHAM COUNTY:

Wilson, Helen F., Boucher, Soule, Adams, O'Neil, Robert E., Sayer, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Sewall, Twardus, Varrill, Hammond, Dame, Levy, Woods.

STRAFFORD COUNTY:

Canney, Smith, Elmer C., Stevenson, Douglas M., Habel, Hebert, Boire, Dumais, Ruel, Beaudoin, Sylvain, Preston, Tripp, Peabody, Raymond B., Fellows, Mudgett, Young, Kinney.

SULLIVAN COUNTY:

Campbell, Barrows, Burrows, Downing.

BELKNAP COUNTY:

Lawton, Hood, Drouin, Randlett, Maguire, Whitemore.

CARROLL COUNTY:

Howard, Donalda K., Lagroe, Davis, Dorothy W., Webster.

CHESHIRE COUNTY:

Forbes, Cournoyer, Forcier, Bennett, Ames, Streeter.

COOS COUNTY:

Cook, Bushey, Hunt, O'Hara, Roy, Desilets, Studd, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Higgins, Anderson, Tremblay, Hopkins, Buckman, Bradley, Richard L.

## NAYS

## HILLSBOROUGH COUNTY:

Sawyer, Knight, Poehlman, Colburn, Daloz, Mann, Arthur F., Murray, Ferguson, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Drabinowicz, Cote, Margaret S., Grandmaison, Coutermarsh, Gabriel, Alukonis, Cares, Peabody, Arthur H., Lyons, Harvell, Van Loan, Abbott, Ainley, Daniels, Milne, Zachos, Bourassa, Montplaisir, Cullity, McDermott, Welch, John L., Spirou, Sysyn, Lemieux, Raiche, Belanger, Lamy, Murphy, Dennis J., Martineau, Allard.

## MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Parker, Harry C., Reddy, Hanson, Enright, Avery, Kopperl, Burleigh, Chapley, Greeley, Michels, Davis, Alice, Haller, McLane, Miner, Filides, Underwood, MacDonald, Fuller, Glavin, Woodward, Welch, Shirley B., Tarr.

## ROCKINGHAM COUNTY:

Griffin, Margaret A., Gay, MacGregor, Lovell, Blair, Gelt, Morrison, Smith, Philip A., Clark, Ernest D., White, Goodrich, Vey, Collishaw, Eastman, Junkins, Page, Hamel, Cheney, George L., Fiske, Cunningham, Langley, Leavitt, Green, Weeks, Keefe, Maynard, McEachern, Chandler, Griffin, Ruth L., Quirk, Palfrey, Bowles, Jameson, Croft.

## STRAFFORD COUNTY:

McIntire, Beckett, Clark, Shirley M., Cochrane, Tirrell, Maloomian, Towle, Ineson, Thompson, Barbara C., Carignan, Dunlap, Balomenos, Leighton, Bernard, Webber, DeWolfe, Richardson, Harriett W. B., Maglaras.

## SULLIVAN COUNTY:

Townsend, Chase, Donald R., Gaffney, Rousseau, Spaulding, Roma A., Saggiotes, Frizzell, Galbraith, Williamson.

## BELKNAP COUNTY:

French, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Huot, Head.

## CARROLL COUNTY:

Cox, Davis, Esther M., Hayes, Conley, Chase, Russell C., Claflin, Hughes.

## CHESHIRE COUNTY:

Johnson, Edward A., Churchill, Trowbridge, Yardley, McGinness, Allen, Coughlin, Dunham, Hackler, O'Neil, James E., Mallat, Vogel, Heald, Cleon E., Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Huggins, Noyes, Mayhew, Drake, Lee, Burns, Oleson, Dubey, Fortier, Theriault, Kidder, Richardson, Mabel L.

## GRAFTON COUNTY:

Stevenson, Malcolm J., Tilton, McGee, Brummer, Chamberlin, Menge, Bradley, David H., Nutt, Radway, Gemmill, Dow, Foster, Duhaime, Roger M., Dudley, Merrill, Altman, Blain.

and the motion failed.

The question now being to substitute, ought to pass with amendment, for inexpedient to legislate.

## AMENDMENT

Amend the caption by striking out the same and inserting in place thereof the following:

## AN ACT

establishing an office of child and youth services,  
and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Department of Child and Youth Service. Amend RSA by inserting after chapter 169-A the following new chapter:

Chapter 169-B  
State Office of Child and Youth Services

169-B:1 Office Established. There is hereby established in the office of the governor the office of child and youth services under the executive direction of a director of child and youth services.

169-B:2 Purpose. The state office of child and youth services shall:

I. Coordinate the efforts of all state agencies which provide direct services to children and youth and recommend new programs and changes in existing programs to such agencies;

II. Assist the towns and cities of the state to deal more effectively with existing needs of children and youth and to aid in developing future programs for these purposes;

III. Compile and analyze all data relating to children and youth; and

VI. Conduct programs for children and youth which are found necessary but are inexpedient for any existing agency or municipality to conduct.

169-B:3 Director. The governor, with the consent of the council, shall appoint a director of child and youth services for a term of four years and until his successor shall be appointed and qualified.

I. The duties of the director shall be as follows:

(a) To coordinate all state activities providing services to children and youth;

(b) To work with towns and cities in developing new programs for children and youth;

(c) To report biennially to the governor and council and to the general court on the activities of the department of child and youth services; this report shall include recommendations for improvements in the department and for any necessary legislation;

(d) To employ such assistants as may be necessary to carry out the purposes of this chapter within the limits of available

appropriations and funds while insuring compliance with state personnel regulations; and

(e) To receive and disseminate information on the subject of needs of children and youth for the guidance and assistance of cities, towns, courts, schools, and other public and private agencies.

II. The director shall have the following qualifications:

(a) He shall possess a masters degree in the behavioral sciences or the equivalent work experience; and

(b) He shall have demonstrated ability in the solving of social problems and a history of work success.

III. The director may be reappointed at the expiration of his term.

169B:4 Assignment of Department Personnel. There shall be assigned to work with the director qualified persons from departments with responsibilities in the following areas:

- (1) Public health;
- (2) Mental health;
- (3) Welfare;
- (4) Education including vocational rehabilitation;
- (5) Employment security;
- (6) Attorney general;
- (7) Recreation;
- (8) The arts;
- (9) Labor; and
- (10) Data processing services

The particular areas of concern to be represented at any time shall be determined by the professional advisory committee. The department heads of the areas of concern so designated shall assign representatives subject to the approval of the citizens' advisory committee. The salaries of the assigned personnel shall continue to be paid by the assigning departments and agencies. The provisions of this section shall not be construed to limit the power of the citizens' advisory committee or the

professional advisory committee to call together task groups from time to time to meet special problems.

169-B:5 Citizens' Advisory Committee.

I. There shall be appointed a citizens' advisory committee of fifteen members including three young people representative of the citizenry of New Hampshire. The members shall be appointed by a committee consisting of a representative of each of the following:

- (a) The governor and council;
- (b) The president of the senate; and
- (c) The speaker of the house of representatives.

II. The members of the committee shall be appointed for terms of three years except that of the members first appointed, five shall be appointed for terms of one year, five shall be appointed for terms of two years and five shall be appointed for terms of three years. Members of the committee may be reappointed at the expiration of their terms. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointments.

III. The governor shall designate, a chairman from among the members of the committee. The chairman shall be the chief executive officer of the committee.

IV. The members of the committee shall receive no compensation, but they shall be reimbursed for travel and other necessary expenses incurred while engaged in the actual work of the committee.

V. The committee shall meet regularly to consider the needs of children and youth in the state, and they shall report their findings and recommendations to the governor and to the director of the department of child and youth services.

169-B:6 Professional Advisory Committee.

I. There shall be a professional advisory committee composed of personnel in charge of programs which provide services to the children and youth of New Hampshire; the committee shall include the heads of the following departments and divisions:

- (a) Public health;
- (b) Mental health;
- (c) Welfare;
- (d) Education, including:
  - (1) Instruction;
  - (2) Vocational rehabilitation;
  - (3) Special education;
- (e) Human justice, including:
  - (1) A representative of the courts to be appointed by the chief justice of the supreme court;
  - (2) Attorney general;
  - (3) State industrial school;
- (f) Recreation;
- (g) The arts;
- (h) Labor; and
- (i) Centralized data processing.

The director of the office of child and youth services shall serve as chairman of this committee.

II. Membership on the committee shall be coterminous with the member's tenure in the office he represents.

III. The members of this committee shall receive no compensation for their services as members, but they shall continue to receive their regular salaries or per diem expenses from the state departments they represent, and they shall receive travel and other necessary expenses while engaged in the actual work of the committee.

IV. The professional advisory committee shall meet regularly with the governor, and it shall assist in the coordination of all state programs for children and youth.

169-B:7 Acceptance of Grants. The director of the office of child and youth services is authorized to accept and to carry out the conditions thereof in the name of the state, for the pur-

pose of furthering the objectives of the department's programs, any:

I. Special grants, monies, or services from the federal or state government or any of their agencies; and

II. Gifts, contributions, and bequests of funds from individuals, foundations, corporations, and other organizations or institutions.

2 Salaries. Amend RSA 94:1-a (supp) as amended by 1970, 19:3 (II) by inserting the following lines in proper alphabetical order:

(Director of the office of	16,006	17,784
child and youth services)		

3 Appropriation. There is hereby appropriated for the purposes of this act the sum of fifteen thousand dollars for the fiscal year ending June 30, 1972, and fifteen thousand dollars for the fiscal year ending June 30, 1973. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1971.

On a vv the Speaker was in doubt and requested a division.

The vote being manifestly in the affirmative, the motion carried.

Amendment adopted.

Referred to Appropriations.

## RECONSIDERATION

Rep. George Roberts, having voted with the majority, moved that the House reconsider its action in referring HB 435 to Appropriations and spoke against the motion.

Motion lost.

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A vote was taken on the different hours to convene the House as follows: 10:00 A.M., 8; 11:00 A.M., 209; 12:00 P.M., 34 and 1:00 P.M., 59. The House will convene at 11:00 a.m.

RECESS

## AFTER RECESS

(Rep. George Roberts in the Chair)

## BILL PLACED ON CALENDAR UNDER RULE 57

## Municipal and County Government

HB 237, establishing a regional government commission and making an appropriation therefor.

Placed on Calendar for Thursday, April 22.

## BILLS PLACED ON CALENDAR UNDER RULE 57

## Environmental Quality and Agriculture

HB 294, relating to public disposal facilities.

## Resources, Recreation and Development

HB 376, establishing a department of housing and making an appropriation therefor.

## Executive Departments and Administration

HB 380, to establish a state employees labor relations commission, and making an appropriation therefor.

Placed on Calendar for Tuesday, April 27.

BILLS DUE FOR REPORT ON APRIL 22, 1971,  
WHICH HAVE HELD NO HEARING

## Municipal and County Government

HB 479, providing for county home rule.

## Liquor Laws

HB 534, permitting dining and dancing in the same room where liquor is served.

Placed on Calendar for Thursday, April 29.

## COMMITTEE REPORTS CONTINUED

The Speaker called for First Orders of Business on:

**HB 163**

relative to open space being used for recreational purposes. Rep. Claflin for Resources, Recreation and Development.

Rep. Richard Bradley moved that HB 163 be laid on the table, and spoke in favor of the motion.

Adopted.

**HB 555**

relative to issuance of certificates for carriage of household goods for hire by motor vehicle. Inexpedient to legislate. Rep. Coutermarsh for Transportation.

There has been insufficient evidence presented to warrant this proposed change. The committee feels that in the interest of uniformity in State and Federal jurisdictions the public interest is best served by rejecting this proposed change.

Rep. Gordon moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

Rep. Coutermarsh moved that HB 555 be indefinitely postponed and spoke in favor of the motion.

(discussion)

On a vv the Speaker was in doubt and requested a division.

159 members having voted in the affirmative and 65 in the negative, the motion carried.

Rep. Bridges wished to be recorded as abstaining from voting under Rule 16.

**RECONSIDERATION**

Rep. Coutermarsh, having voted with the majority, moved that the House reconsider its action in killing HB 555 and spoke against the motion.

Motion lost.

**HB 373**

providing for reimbursement to fire and rescue companies for rescue operations in state parks and reservations and making an appropriation therefor. Refer to Legislative Study Committee. Rep. Rich for State Institutions.

This project requires more study and agreements to be worked out between the several departments which become involved in search and rescue work. We recommend that this bill be referred to an Interim Study Committee.

Adopted.

### **HJR 38**

making an appropriation to the Ver Shire schools and shops. Ought to pass. Rep. Boucher for Education.

Provides a special appropriation to aid this unusual facility in Colebrook. The school and shops were started by local initiative and have been financed largely by local solicitation in the northern counties of New Hampshire and Vermont, with some financial aid from the state of Vermont. However, to date, no direct financial aid has been forthcoming from the state of New Hampshire.

Referred to Appropriations.

### **HJR 41**

appropriating funds to pay the maximum amounts permitted to be paid to school districts in each of the last twenty years under the foundation aid formula. Inexpedient to legislate. Rep. Abbott for Education.

Withdrawn by sponsor.

Resolution adopted.

### **HB 172**

relating to public disposal facilities. Ought to pass with amendment. Rep. Colburn for Environmental Quality and Agriculture.

Housekeeping legislation needed to strengthen and clarify present dump laws (Procedures for solutions for towns unable to establish satisfactory dump facilities will be proposed separately in HB 294.)

### **AMENDMENT**

Amend section 11 of the bill by striking out the same and renumbering section 12 to read 11.

Amendment adopted.

Rep. Levy offered an amendment.

The Clerk read the amendment in full.

Rep. Levy explained his amendment.

Rep. James O'Neil moved that HB 172 and any amendments thereto be laid on the table.

Adopted.

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Resolution on Lieutenant Calley. Inexpedient to legislate. (withdrawn by sponsor) Rep. Mutzbauer for Resolutions and Screening.

Resolution adopted.

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Resolution on Vietnam, That the resolution should not come before the House. In the Public Hearing April 7 the majority of legislators favored NOT to bring the resolution before the House. Reps. Mutzbauer, Charles Roberts and Shortlidge.

Resolution adopted.

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Rep. James O'Neil moved that HB 172, relating to public disposal facilities, with any amendments thereto be taken from the table.

The Speaker was in doubt and requested a division.

The vote being manifestly in the affirmative and HB 172 was taken from the table.

The question being on the amendment as offered by Rep. Levy.

Rep. Greene explained the committee report.

(discussion)

Rep. Malcolm Stevenson moved that HB 172 with proposed amendments be made a Special Order for 11:01 Thursday and spoke in favor of the motion.

Rep. Trowbridge asked that Rep. Levy's amendment be printed in the Journal.

## AMENDMENT

## INSERT AMENDMENTS IN 147:23 a EXEMPTION

Line 1 after word selectmen, "CITY MANAGERS,"

Line 3 Change word may to "SHALL"

LINE 4 Insert after RSA 147:23, "advising the Governor and his Council of their actions."

Page 2, line 6, insert after RSA 53-B, "And so advise the governor and his Council of their recommendations."

So that 147:23 a EXEMPTION will read as follows:

Upon written request from the selectmen, city managers, board of health or corresponding public officer, the department of health and welfare, division of public health services, shall exempt a town or city from the requirements of RSA 147:23, advising the Governor and his Council of their action. When considering the request for an exemption the division of public health services shall consider the need of such facilities in light of the town's density of population and whether or not the town or city has arranged to share public disposal facilities with others as provided by RSA 53. A or is a participating member of a regional refuse disposal district as provided in RSA 53-B and so advise the Governor and his Council of their recommendations.

Reps. Trowbridge, Belair, Vachon spoke against the motion.

Reps. Bowles, Healy and Levy spoke in favor of the motion.

Motion lost.

Rep. Levy withdrew his amendment.

The question being shall HB 172 be ordered to third reading.

Ordered to third reading.

**CACR 7**

Relating to: The power of the state to tax. Providing that: The legislature be allowed to impose taxes that are graduated, except for income taxes. Inexpedient to legislate. Rep. Harvell for Constitutional Revision.

Rep. Russell Chase explained the committee reports on CACR 7 and CACR 10.

Resolution adopted.

### CACR 10

Relating to: The power of the state to tax. Providing that: The legislature be allowed to impose taxes that are not proportional. Inexpedient to legislate. Rep. Harvell for Constitutional Revision.

Resolution adopted.

### HB 470

providing incentive aid for kindergarten programs and making an appropriation therefor. Ought to pass. Rep. Balomenos for Education.

HB 470 proposes a state grants-in-aid incentive of \$100.00 per pupil to those school districts who presently maintain a public kindergarten or who vote through their district meetings or governing body to establish such a program in the next two year period.

Rep. Lawton moved that HB 470 be indefinitely postponed and spoke in favor of the motion.

Reps. James O'Neil, Bowles and Cares spoke against the motion.

Reps. Gabriel, Malcolm Stevenson, Elmer Johnson and Bednar spoke in favor of the motion.

Adopted.

### HB 214

making supplemental appropriations for the expenses of the department of health and welfare and the state prison for the fiscal year ending June 30, 1971. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### An Act

making supplemental appropriations for the expenses of the department of health and welfare, industrial school, and the

state prison for the fiscal year ending June 30, 1971.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Detailed Appropriation.

Department of health and welfare:

Division of Welfare:

Old age assistance:

State's share		49,955
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Towns and counties	\$78,943	
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Less estimated revenue	78,943	
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Net appropriation		0
-------------------	--	---

Federal	186,875	
---------	---------	--

Less estimated revenue	186,875	
------------------------	---------	--

Net appropriation		0
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Old age assistance — aliens:

Towns and counties*	9,714	
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Less estimated revenue	9,714	
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Net appropriation		0
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Federal	14,082	
---------	--------	--

Less estimated revenue	14,082	
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Net appropriation		0
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\*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

Aid to permanently and totally disabled:

State's share		5,904
---------------	--	-------

Towns and counties*	\$35,505	
---------------------	----------	--

Less estimated revenue	35,505	
------------------------	--------	--

Net appropriation		0
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Federal	60,033	
---------	--------	--

Less estimated revenue	60,033	
------------------------	--------	--

## Net appropriation

0

\*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1971.

## Aid to families with dependent children:

## State's share

Grants	39,469
Income disregard	76,376

Net appropriation	115,845
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## Federal

Grants	\$57,221
Income disregard	110,726

Total	167,947
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Less estimated revenue	167,947
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Net appropriation	0
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## Medical care and services:

Categorically needy	216,449
Medically needy	31,488

Total	247,937
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Less local share	14,242
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Less federal share	146,729
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Net appropriation	86,966
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## Administration:

Operational costs (title XIX)	75,683
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Total division of welfare	334,353
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Less transfer re: administration from federal grants	37,841
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Net appropriation for division of welfare	296,512
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Division of mental health:		
Laconia state school:		
Operation of plant:		
Current expense	12,662	
New Hampshire Hospital:		
Operation of plant:		
Current expense	\$106,909	
	<hr/>	
Total division of mental health	119,571	
	<hr/>	
Total department of health and welfare		416,083
Industrial school:		
Custodial care:		
Personal services		
Other	7,000	
Operation of plant:		
Current expenses	10,000	
Maintenance of plant:		
Current expenses	2,000	
Net appropriation		19,000
State prison:		
Custodial care:		
Other personal services	10,971	
Current expenses*	26,000	
	<hr/>	
Total custodial care	36,971	
Less, estimated revenue	4,500	
Net appropriation		32,471

\*In this appropriation \$4500 shall be for products used from the institution's farm and no part of this amount shall be transferred or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$4500.

Total appropriation	\$467,554
	=====

3 Elimination of welfare footnote. Amend Laws of 1969, 368:4 under the appropriation for the department of health and welfare, division of welfare, aid to families with dependent children, state's share by striking out the asterisk after the lines reading "Income disregard", "Day care", and "Foster care". Further amend said section by striking out the footnote after

the appropriation for aid to families with dependent children which reads as follows: “\*This appropriation shall not be transferred or expended for any other purpose.”

4 Effective Date. This act shall take effect upon its passage.

Rep. Drake explained the amendment.

Amendment adopted.

Ordered to third reading.

## HB 90

relative to the purchase of waters or lands by the director of fish and game, and repealing the prohibition against transfers for such purposes. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

relative to the purchase of waters or lands by the director of fish and game and making an appropriation therefor.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Additional Appropriation. There is hereby appropriated to the fish and game department for the acquisition of land, waters or rights for the fiscal year 1970-71, in addition to any other sums appropriated for said purposes, the sum of two hundred and sixty six thousand and six hundred and sixty seven dollars as follows:

Acquisition of lands, waters or rights	266,667	
Less, federal funds	200,000	
Net appropriation		66,667

The sum hereby appropriated shall be a charge against the fish and game fund and any funds not expended or encumbered on June 30, 1971, shall lapse.

Further amend the bill by renumbering section 3 to read 2.

Further amend the bill by inserting after the newly numbered section 2 the following new section:

3 Lapse Upon Completion. All funds held in such separate sub-account under section 2, for the purposes of said section, which remain unexpended upon the completion of construction of said new facilities and payment therefor, shall thereupon lapse into the fish and game fund.

Rep. Drake explained the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

#### **HB 406**

providing for procedures for the funding of sewer projects by the state. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Committee felt the worthy purpose of this bill should entitle it to further consideration as to financing.

Referred to Appropriations.

#### **HB 438**

requiring posting of a danger sign on piers or wharves while devices for the prevention of the formation of ice are in operation. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Committee felt this imposed unreasonable liability for damages on absentee owner.

Rep. Hamel moved that HB 438 be referred to Judicial Council and spoke in favor of the motion.

Rep. Claflin spoke in favor of the motion.

Referred to Judicial Council.

#### **HB 257**

relative to sick leave for state employees. Majority: Ought to pass with amendment; Minority: Inexpedient to legislate. (Rep Chandler)

Designed to keep employees working rather than using up their sick leave. Would allow employees, upon retirement, to collect up to 90 days sick leave in pay. Charge is upon the salary adjustment fund.

Minority feels the cost is vastly understated. Also that there are much more pressing needs of state employees. The abuse of sick leave by employees approaching retirement can and should be remedied administratively.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Sick Leave Accumulation. Amend RSA 99:2, d (supp) as inserted by 1965, 164:2 by striking out said paragraph and inserting in place thereof the following new paragraph:

d. Notwithstanding the provisions of the preceding paragraphs, all classified state employees performing regularly scheduled work of five days per week or more, which shall have included not less than a basic thirty-seven and one half hour work schedule, shall be entitled to annual leave and sick leave credit for the regularly scheduled time worked, not to exceed six days, on the basis of the following formula:

#### Days Per Week

5 days =  $1\frac{1}{4}$  days annual leave and  $1\frac{1}{4}$  days sick leave per month

5  $\frac{1}{2}$  days =  $1\frac{3}{8}$  days annual leave and  $1\frac{3}{8}$  days sick leave per month

6 days =  $1\frac{1}{2}$  days annual leave and  $1\frac{1}{2}$  days sick leave per month.

Accrued annual leave and sick leave shall not exceed a maximum accumulative allowance on the basis of the following formula.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Payment of Accumulated Sick Leave. Amend RSA 99 by inserting after section 2-b the following new section:

99:2-c Payment for Sick Leave. Any classified employee:

I. Who voluntarily terminates his employment as such after seven years or more of continuous employment as such but before reaching the mandatory retirement age shall be paid at such

termination for twenty-five percent of his then accumulated sick leave.

II. Who has reached the mandatory retirement age shall be paid for all his then accumulated sick leave.

Rep. Chandler moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Rep. MacDonald spoke against the motion.

Rep. Shirley Clark spoke against the motion.

Rep. Chandler requested a division.

96 members having voted in the affirmative and 135 in the negative, the motion lost.

The question now being on the committee amendment.

On a vv the Speaker was in doubt and requested a division.

143 members having voted in the affirmative and 65 in the negative, the amendment was adopted and HB 257 was referred to Appropriations.

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The Clerk read Part 2 Article 20 of the New Hampshire Constitution.

(Quorum, what Constitutes)

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## COMMITTEE REPORTS CONTINUED

### **HB 647**

to provide additional retirement allowances to certain retired members of the policemen's retirement system. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

A bill passed last session for policemen getting less than \$100 a month retirement. Costs \$1,113.60.

Referred to Appropriations.

## ENROLLED BILLS REPORT

HB 274, providing for certain transfers in the appropriations for fiscal year 1971 for the division of vocational rehabilitation.

Phyllis M. Keeney  
For the Committee

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Rep. White withdrew his notice of reconsideration on HJR 34, in favor of Leon A. Hoik.

SENATE MESSAGE  
CONCURRENCE ON

HB 454, amending the definition of an air navigation facility.

HB 407, to clarify the aircraft operating fee formula.

HB 452, relative to federal aid for airport and airway development.

## COMMITTEE OF CONFERENCE REPORT

(See SJ 4-20-71 p. 482-83)

HB 31, relative to filing of annual returns by corporations, reservation of a name by a foreign corporation, and monthly returns of quantity of alcoholic beverages sold.

The motion being on the adoption of the committee of conference report.

Adopted.

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Rep. MacDonald requested a six day extension on HB 545, permitting the conduct of beano games on Sunday and increasing the fee for beano licenses.

Granted.

## VACATE

Rep. Greenwood moved to vacate reference of HB 626, to require higher safety standards in the construction of driveways and other accesses to the public way, from the committee on Public Works and refer to Transportation.

Adopted.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

### LATE SESSION

Third reading and passage by House

HB 172, relating to public disposal facilities.

HB 379, increasing the penalties for operating a motor vehicle after revocation or suspension of license.

HB 325, authorizing the water resources board to control the release or withholding of stored water if necessary for the public health or safety.

HB 577, relative to reporting of fires to the state fire marshal's office.

HB 531, permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations.

HB 551, clarifying the duties of the deputy attorney general.

HB 599, providing for volunteer probation counsellors.

HB 658, relative to anatomical gifts.

HB 678, to legalize the Haverhill town meeting of March 9, 1971.

HB 214, making supplemental appropriations for the expenses of the department of health and welfare, industrial school and the state prison for the fiscal year ending June 30, 1971.

HB 90, relative to the purchase of waters or lands by the director of fish and game, and making an appropriation therefor.

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On motion of Rep. Merrill the House adjourned at 4:11 p.m.

*Wednesday, 21Apr71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain, Rev. William L. Shafer.

HEAVENLY FATHER, in the busy rush of our lives we urgently need times of renewal and reflection. Come into our lives, we pray, with the strength and insight that we need, that we may reformulate the images by which we live, re-examine the goals we seek, and redefine the purposes we serve. Involve us in the needs of our fellow man so that we cannot be complacent or self-centered. Reveal to us our responsibility and increase our commitment so that we would be sensitive to those whose lives know challenge, despair, frustration, and defeat; prepared to reach out to them with understanding, concern, and action. Amen.

Rep. Knight led the Pledge of Allegiance.

SENATE MESSAGE  
INTRODUCTION OF SENATE BILL

First, second reading & referral

SB 3, restricting the sale, possession, and sniffing of model glue. Judiciary

RESOLUTION

Rep. George Roberts offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 856 through 877 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 856, relative to abandoned cars upon turnpikes. (Bourassa of Hillsborough Dist. 28; Healey of Hillsborough Dist. 32 — To Transportation and Aeronautics.)

HB 857, to permit the university of New Hampshire to collect and make payment for the costs of educating public school pupils housed in university operated tax exempt residential property. (Beckett of Strafford Dist. 4; Clark of Strafford Dist. 4 — To Education.)

HB 858, relative to the construction and reconstruction of highways in the area of dam sites and wetlands. (Bradley of Grafton Dist. 19 — To Resources, Recreation and Development.)

HB 859, relative to pensions for employees of the city of Manchester. (Martineau of Hillsborough Dist. 38 — To Special Committee — Manchester Delegation.)

HB 860, relative to the procedure for removal from checklists of the names of certain voters. (Woods of Rockingham Dist. 28 — To Statutory Revision.)

HB 861, providing for recall of any municipal official or employee. (Dion of Hillsborough Dist. 29; Duhaime of Hillsborough Dist. 29 — To Municipal and County Government.)

HB 862, providing for referendum on capital expenditures in municipalities. (Dion of Hillsborough Dist. 29; Duhaime of Hillsborough Dist. 29 — To Municipal and County Government.)

HB 863, providing for referendum on municipality ordinances. (Dion of Hillsborough Dist. 29; Duhaime of Hillsborough Dist. 29 — To Municipal and County Government.)

HB 864, relative to assets of a municipality. (Dion of Hillsborough Dist. 29 — To Municipal and County Government.)

HB 865, relative to the articles of agreement of charitable corporations. (Bradley of Grafton Dist. 9 — To Executive Departments and Administration.)

HB 866, to provide for termination of certain charitable trusts. (Bradley of Grafton Dist. 9 — To Executive Departments and Administration.)

HB 867, relative to statutory provisions in charters of charitable corporations created by legislative act. (Bradley of Grafton Dist. 9 — To Executive Departments and Administration.)

HB 868, relative to the administration of charitable trusts. (Bradley of Grafton Dist. 9 — To Executive Departments and Administration.)

HB 869, relative to broadening the scope of the common law doctrine of cy pres. (Bradley of Grafton Dist. 9 — To Judiciary.)

HB 870, to increase the penalty for violations of municipal by-laws and ordinances. (Bradley of Grafton Dist. 9 — To Municipal and County Government.)

HB 871, relative to the fee for licensing unspayed dogs. (Karnis of Hillsborough Dist. 8 — To Municipal and County Government.)

HB 872, to amend the charter of New England College. (Bridges of Hillsborough Dist. 26 — To Education.)

HB 873, prohibiting the waiver of citation and notice on the first account of estates in excess of two thousand dollars. (Bourassa of Hillsborough Dist. 28 — To Judiciary.)

HB 874, authorizing the register of probate to give "notice" to beneficiaries. (Bourassa of Hillsborough Dist. 28 — To Judiciary.)

HB 875, providing that the racing commissioners shall be appointed for six year terms. (Bourassa of Hillsborough Dist. 28 — To Ways and Means.)

HB 876, relative to clarifying the deletion of tax on machinery. (Reddy of Merrimack Dist. 5 — To Ways and Means.)

HB 877, to require reconsideration of the route of a highway to be constructed between route 93 and the city of Laconia. (Reddy of Merrimack Dist. 5 — To Public Works.)

## ENROLLED BILLS REPORT

HB 2, providing that voting residence is not lost by being in a nursing or convalescent home or hospital.

HB 62, relative to bob houses.

HB 63, creating an interim committee to study the problems of disposing of beverage bottles and cans.

HB 64, empowering the pesticides control board to prohibit or restrict the sale and use of certain pesticides.

HB 67, providing for Port Authority appointed pilots to pilot certain vessels in the Piscataqua river and harbor.

HB 100, relative to enacting the uniform state feed bill and repealing the commercial feed law.

HB 194, relative to payment of vacation wages.

HB 224, relative to number of ballots to be printed for primary elections.

HB 231, requiring that the articles of agreement of voluntary corporations and associations provide for the disposition of the assets of such corporations upon their dissolution.

HB 233, relative to the definition of a child-caring agency.

HB 292, conveying a certain portion of land which was formerly part of Silver Lake in the town of Madison to J. Donald Hayes and Dorothy V. Hayes.

HB 298, to provide for recording of short form leases.

HB 318, relating to the town of Gorham.

HB 322, relative to dogs pursuing game.

HB 334, relative to the commitment of drug dependent persons.

HB 345, to increase the permissible maximum dollar limit of certain force account contracts.

HB 407, to clarify the aircraft operating fee formula.

HB 446, relative to the membership of school boards in certain school districts.

HB 452, relative to federal aid for airport and airway development.

HB 454, amending the definition of an air navigation facility.

HJR 12, making a supplemental appropriation for the racing commission.

SB 6, providing that when highway work requires relocating municipally owned underground utility facilities the gov-

ernmental agency doing the work shall pay for the trenching and backfilling.

SB 40, relative to petitioning for articles to be placed in a town or school warrant and providing a penalty.

Roxie A. Forbes  
For the Committee

## BILLS PLACED ON CALENDAR UNDER RULE 57

### Education

HB 467, relative to intoxicating beverages at interscholastic athletic contests.

HB 497, removing weighted voting in supervisory union elections.

### Judiciary

HB 487, establishing the Rye district court.

HB 507, establishing a Hooksett District Court.

### Municipal and County Government

HB 506, changing part of the boundary line between the towns of Bartlett and Hart's Location.

### Fish and Game

HB 512, relative to conservation officers and their pay schedule.

Placed on Calendar for April 28.

Rep. Zachos requested a six day extension on HB 105, clarifying the commitment of juveniles.

Granted.

Rep. Greene requested a six day extension on HB 294, relating to public disposal facilities.

Granted.

Rep. Hayes requested a six day extension on HB 512, relative to conservation officers and their pay schedule.

Granted.

## RECONSIDERATION

Rep. Gordon served notice that today or some subsequent day he would ask for reconsideration of the action of the House in adopting the amendment to HB 257, relative to sick leave for state employees.

## RECESS

## AFTER RECESS

Rep. MacDonald offered the following resolution

*Whereas*, there is pending before the House of Representatives, House Bill No. 557, an act requiring the speaker of the house of representatives to be elected by a roll call vote, and

*Whereas*, Article 22, Part 2 of the Constitution of New Hampshire, provides that the house of representatives shall choose their own speaker, and settle the rules of proceedings in their own house, and

*Whereas*, Article 24, Part 2 of the Constitution of New Hampshire provides that upon motion made by any one member, duly seconded, the yeas and nays, upon any question shall be entered on the journal, and

*Whereas*, questions have been raised concerning the constitutionality of said bill, and the meaning of Article 24, Part 2 of the New Hampshire Constitution, now therefore be it

*Resolved*, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Would the enactment of House Bill No. 557, imposing a mandatory roll call vote in the election of a speaker, violate Article 22, Part 2, or any other provision of the New Hampshire Constitution?

2. If the answer to question No. 1 is in the affirmative, is one member entitled, pursuant to the provisions of Article 24, Part 2, to demand a roll call vote for the election of speaker, provided his motion is duly seconded?

*Be It Further Resolved*, that the Speaker transmit seven copies of House Bill No 557 to the Clerk of the Supreme Court for consideration by said court.

The Clerk read the resolution in full.

Adopted.

## COMMITTEE REPORTS

### HB 654

relative to the associate degree programs of Keene and Plymouth state colleges. Ought to pass with amendment. Rep. Gemmill for Education.

The bill permits Keene and Plymouth to give associate degrees for already existing programs.

## AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

### HB 675

eliminating the requirement of publishing the advertisement of sale of state guaranteed sewer bonds and notes. Ought to pass. Rep. Moran for Executive Departments and Administration.

Ordered to third reading.

### HB 348

enabling the department of fish and game to recover damages for loss of fish, other aquatic life, wildlife or their habitat due to water pollution. Ought to pass. Rep. Maynard for Fish and Game.

Enables Fish and Game Department to recover damages for loss of fish, aquatic life, wildlife or their habitat due to water pollution.

Ordered to third reading.

### HB 472

establishing the time when beaver may be trapped in Coos County. Ought to pass. Rep. Huggins for Fish and Game.

Establishing a beaver season in Coos County.

Ordered to third reading.

**HB 560**

prohibiting the issuance of free hunting and fishing licenses. Inexpedient to legislate. Rep. Sawyer for Fish and Game.

Bill would have prevented, except in certain cases, the issuance of free hunting licenses.

Resolution adopted.

**HB 562**

establishing limits on the season for taking wild deer. Inexpedient to legislate. Rep. Maynard for Fish and Game.

Season too long and too late and too many weekends.

Resolution adopted.

**HB 590**

prohibiting the use of small motorized vehicles in the woods by hunters during the hunting season. Inexpedient to legislate. Rep. Kinney for Fish and Game.

This bill already covered by HB 301.

Resolution adopted.

**HB 575**

relative to discriminatory employment practices. Inexpedient to legislate. Rep. O'Hara for Labor, Human Resources and Rehabilitation.

Bill would necessitate increased budget of Human Rights Commission but it is not funded.

Resolution adopted.

**HB 602**

creating a temporary state commission to develop and test methods for achieving improvement, economy and efficiency in the delivery of human resources through a community service center in a selected area in the state and making an appropriation therefor. Refer to Legislative Study Committee. Rep. Knight for Labor, Human Resources and Rehabilitation.

Referred to Legislative Study Committee.

**HB 633**

relative to commitment to mental institutions. Lay on table. Rep. Emile Boisvert for Labor, Human Resources and Rehabilitation.

A special committee has been appointed to study and re-write the bill consisting of committee members, doctors and lawyers.

Laid on the Table.

**HB 353**

establishing a junk car fee on motor vehicles. Inexpedient to legislate. Rep. Trowbridge for Public Works.

Needs further study.

Resolution adopted.

**HB 374**

providing for the acquisition of a certain dam and water rights on the Cocheco river in the city of Rochester by the water resources board and making an appropriation therefor. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

**AMENDMENT**

Amend the title of said bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for the acquisition of a certain dam and water rights on a tributary of the Cocheco river in the town of Middleton by the water resources board and making an appropriation therefor.

Amend RSA 482-F:1 as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

482-F:1 Acquisition Authorized. For a consideration of one dollar the New Hampshire water resources board is hereby authorized to accept conveyance from the owners thereof the following described property for the purpose of improving and controlling certain water rights for the benefit of the state: the Sunrise lake dam, so-called, on the Sunrise lake in the town of

Middleton in Strafford county, and the water rights, land, and other facilities connected therewith. The grantor will provide a suitable public access to the impoundment above the dam if none exists.

Amend RSA 482-F:2 as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

482-F:2 Repairs, etc. Said board after said acquisition shall from time to time make repairs and modifications to said dam so acquired or rebuild as the case may be so as to best serve the interests of the state. Provided, that until the water resources board receives sufficient funding to make necessary repairs and/or modifications to the dam, the grantor will operate said dam under the supervision of the water resources board.

Amendment adopted.

Referred to Appropriations.

#### **HB 486**

to prohibit changing the mileage on a motor vehicle odometer. Inexpedient to legislate. Rep. Hamel for Transportation.

Reported inexpedient at request of sponsor.

Resolution adopted.

#### **SB 85**

providing for a one day deer season for residents only. Inexpedient to legislate. Rep. Hayes for Fish and Game.

Committee feels this bill would be unenforceable.

Rep. Chamberlin moved that SB 85 be recommitted to the Committee on Fish and Game.

Adopted.

#### **HB 628**

relative to trespasses on private property. Inexpedient to legislate. Rep. Arthur Bouchard for Fish and Game.

Bill too strong. Could close all of Coos County.

Rep. Philip Heald moved that HB 628 be referred to Judicial Council for further study along with the other trespass laws and spoke in favor of the motion.

Reps. Hardy, Richard Bradley and Hayes spoke in favor of the motion.

Adopted.

#### HJR 40

to evaluate the utilization of state owned vehicles. Ought to pass with amendment. Rep. Hamel for Transportation.

Sets up a committee of seven to study the use of state owned vehicles. Amendment says that no more than four members should be of the same political party.

#### AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a special committee of seven members is hereby created to evaluate the management and use of state owned vehicles. The speaker of the house shall appoint five members of the committee and the president of the senate, two members. No more than four members of the committee will be from the same political party. It shall be the duty of the committee to thoroughly evaluate the management and use of state owned vehicles and to submit a report to the governor and council on or before April 1, 1972, said report including any recommendations the committee may conclude; and for this purpose said committee shall have the power (1) to require testimony from state employees regarding such management and use; (2) to require submission of records from any appropriate state agency regarding such management and use.

The members of the committee shall serve without compensation, but they shall be entitled to legislative mileage while attending meetings of the committee in Concord except on days when the general court is in session, and they shall be entitled to the same mileage as state employees when traveling on business of the committee elsewhere in the state.

Amendment adopted.

Rep. Webster offered an amendment.

The clerk read the Webster amendment in full.

Rep. Webster explained her amendment.

Reps. Hamel and Hayes spoke against the amendment.

Webster amendment lost.

Ordered to third reading.

### RECONSIDERATION

Rep. Lawton, having voted with the majority, moved that the House reconsider its action in referring HB 602, creating a temporary state commission to develop and test methods for achieving improvement, economy and efficiency in the delivery of human resources through a community service center in a selected area in the state and making an appropriation therefor, to the Legislative Study Committee and spoke against the motion.

Motion lost.

Rep. Zachos requested a six day extension on HB 366, requiring a finding that certain facts exist before capital punishment may be imposed, and HB 417, relative to students civil rights.

Granted.

Rep. Hanson requested a six day extension on HB 401, prohibiting amendments to the zoning laws where adequate notice thereof has not been given.

Granted.

### VACATE

Rep. Shirley Clark moved to vacate reference of the following House Bills from the committee on Executive Departments and Administration and refer to Judiciary.

HB 868, relative to the administration of charitable trusts.

HB 867, relative to statutory provisions in charters of charitable corporations created by legislative act.

HB 866, to provide for termination of certain charitable trusts.

HB 865, relative to the articles of agreement of charitable corporations.

Adopted.

## RECONSIDERATION

Rep. George Roberts, having voted with the majority, moved that the House reconsider its action in adopting the amendment to HB 257, relative to sick leave for state employees, and spoke against the motion.

Motion lost.

SENATE MESSAGE  
CONCURRENCE ON HB WITH SENATE  
AMENDMENT

HB 302, relative to injury to domestic ducks or fowl by hunters.

(Amendment printed in SJ April 20, p. 476-7)

Rep. Hayes moved that the House concur in the Senate amendment.

Adopted.

## UNANIMOUS CONSENT

Rep. MacDonald addressed the House by unanimous consent.

Rep. Lemieux moved that the remarks by Rep. MacDonald be printed in the Journal.

Adopted.

## REMARKS OF REP. MAURICE B. MACDONALD

On the resignation of Dr. Bernard W. March — April 21, 1971.

Mr. Speaker and Members of the House.

Late Monday afternoon, I received a communication from Dr. Bernard W. March, Superintendent of the New Hampshire Hospital, which I would like to read to the members of this House.

April 19, 1971

Rep. Maurice MacDonald  
State House  
Concord, New Hampshire

Dear Mr. MacDonald:

I have today submitted my resignation as Superintendent of the New Hampshire Hospital.

To avoid further possible misinterpretations and misuse of the resignation, I would simply like to state that what has gone on over the past has been very distasteful and unprofessional and, in order not to compromise my standards, I decided to withdraw my services.

I sincerely thank you for your concern and dedication to the disadvantaged.

Yours very truly,  
Bernard W. March, MD

I think the letter expresses clearly the personal feelings of Dr. March.

I only wish to take a little more of your time to sort of clear the air of certain statements that have been made in the press. Yesterday's Concord Monitor quoted Commissioner Zeiller as stating that he assumed Dr. March "couldn't work with Dykens." Dr. March stated to me personally last evening that he could have and would have worked with anyone in an effort to better New Hampshire's mental health picture.

There have been those closely connected with mental health who have suggested that Dr. March was not community oriented. This statement is false. In Saskatchewan, Dr. March was an originator and supervisor of community mental health programs.

In keeping with his professional ethics, he has issued no statement on the current distress in the mental health field. I would assume that he needs no one to speak for him, but I strongly feel that the public should be aware that political intrigues have caused yet ANOTHER disruption at the New Hampshire Hospital.

I speak to you today with no special interest at all. And, to completely clear the air for those members who are not aware, I am employed by the Auxiliary of the New Hampshire Hospital, a non-profit organization which receives not one penny of state funds and indeed is an organization dedicated to raising funds for the welfare of the patients at the New Hampshire Hospital.

I speak not for them — I speak not for Dr. March — I speak not against anyone. I speak to inform the members of this House and the citizens of this state that mental health can no longer be a political football.

I offer whatever help I can give to Dr. Dykens and to whomever the new Superintendent will be. As you are aware, a week ago I took this rostrum to help save the Comprehensive Mental Health bill. I shall continue to speak out for the disadvantaged and unfortunate in the State of New Hampshire. I would urge every member of this House and indeed every citizen of this state to be a watchdog for those who cannot speak out for themselves, the mentally ill.

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On motion of Rep. Trowbridge the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

#### LATE SESSION

#### THIRD READINGS AND PASSAGE BY HOUSE

HB 654, relative to the associate degree programs of Keene and Plymouth state colleges.

HB 675, eliminating the requirement of publishing the advertisement of sale of state guaranteed sewer bonds and notes.

HB 348, enabling the department of fish and game to recover damages for loss of fish, other aquatic life, wildlife or their habitat due to water pollution.

HB 472, establishing the time when beaver may be trapped in Coos County.

HJR 40, to evaluate the utilization of state owned vehicles.

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On motion of Rep. Head who is seventy-five years old today, the House adjourned at 12:46 p.m.

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*Thursday, 22 Apr 71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain, Rev. William L. Shafer.

O GOD of love, who has called us to walk and to work with you, give us courage to think clearly about the meaning of life and the purpose of liberty. Give us vision to accept responsibilities that relate to the problems confronting our Granite State. Help us to match the day's demands with the abilities made strong by our opportunities. Grant us the determination to do all within our abilities to strengthen and confirm peace and freedom. Direct us in developing responsive legislation through just considerations and honest debate. And, as we conclude today's work, watch over us in our homeward journies, bless our loved ones, and renew our lives in the Name of Jesus Christ. Amen.

Rep. Milne led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Brunelle, the day, death in family.

Rep. Radway, the day, illness.

#### RESOLUTION

Rep. Bigelow offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 878 through 904 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 878, permitting certain towns and cities to exercise a line item veto upon the budgets of school districts wholly within said towns or cities. (Maglaras of Strafford Dist. 20; Parnagian of Strafford Dist. 19; McIntire of Strafford Dist. 1; Levy of Rockingham Dist. 28; Sears of Grafton Dist. 18 — To Municipal and County Government.)

HB 879, relative to the use of motorboats on small bodies of water. (Fiske of Rockingham Dist. 19 — To Environmental Quality and Agriculture.)

HB 880, repealing the tax on boats. (French of Belknap Dist. 2 — To Transportation and Aeronautics.)

HB 881, relative to the duration and amount of wages exempt from trustee process. (Rodgers of Hillsborough Dist. 23 — To Judiciary.)

HB 882, relative to the election of candidates and membership of the Mascoma Valley Regional School District. (Gemmill of Grafton Dist. 10; Altman of Grafton Dist. 14; Blain of Grafton Dist. 15 — To Education.)

HB 883, relative to petitioning articles in the warrant concerning planning boards and zoning. (Greenwood of Rockingham Dist. 12 — To Municipal and County Government.)

HB 884, requiring that sugar served in public eating places be served in individually wrapped packets. (Gordon of Merrimack Dist. 9; Bourassa of Hillsborough Dist. 28 — To Public Health and Welfare.)

HB 885, relative to the sale of liquid fuels, lubricating oils and greases. (Chase of Sullivan Dist. 2 — To Environmental Quality and Agriculture.)

HB 886, providing for the disposition of forfeited recognizances. (Maynard of Rockingham Dist. 24 — To Judiciary.)

HB 887, relative to the expiration date of hunting and fishing licenses issued to military personnel and others. (Maynard of Rockingham Dist. 24 — To Fish and Game.)

HB 888, relative to the practice of professional engineering. (Daniels of Hillsborough Dist. 27 — To Judiciary.)

HB 889, relative to fees payable to cities and towns where racing meets are held. (O'Neil of Rockingham Dist. 7; Belair of Rockingham Dist. 7 — For the Rules Committee — To Ways and Means.)

HB 890, to increase so-called low digit number plates from four digits to five digits maximum. (Davidson of Hillsborough Dist. 21 — To Transportation and Aeronautics.)

HB 891, relative to the department of employment security. (Cobleigh of Hillsborough Dist. 15; Raiche of Hillsborough Dist. 34 — To Executive Departments and Administration.)

HB 892, providing for an annual salary for members of the Nashua board of education. (Davidson of Hillsborough Dist. 21 — To Special Committee — Nashua Delegation.)

HB 893, enacting the white cane law. (Spirou of Hillsborough Dist. 31 — To Public Health and Welfare.)

HB 894, requiring reflectorized number plates on motor vehicles. (Reddy of Merrimack Dist. 5 — To Transportation and Aeronautics.)

HB 895, to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts. (Bradley of Grafton Dist. 9 — To Education.)

HB 896, relative to the effective date of coverage under the New Hampshire automobile insurance plan. (Burns of Coos Dist. 4 — To Banks and Insurance.)

HB 897, limiting the payments made to certain pensioners of the city of Nashua. (Davidson of Hillsborough Dist. 21 — To Special Committee — Nashua Delegation.)

HB 898, to reduce the terms of office of members and the membership of the Nashua board of education. (Davidson of

Hillsborough Dist. 21 — To Special Committee — Nashua Delegation.)

HB 899, providing for aldermanic confirmation of certain appointments made by the mayor of Nashua. (Davidson of Hillsborough Dist. 21 — To Special Committee — Nashua Delegation.)

HB 900, providing that the transportation of pupils shall be optional with a school district. (Coburn of Hillsborough Dist. 11 — To Education.)

HB 901, providing that the contract for the manufacturing of number plates be put out to competitive bidding. (Davidson of Hillsborough Dist. 21 — To Statutory Revision.)

HB 902, allowing for seven digit initial number plates. (Davidson of Hillsborough Dist. 21 — To Transportation and Aeronautics.)

HB 903, permitting number plates to be coated with reflectorized materials. (Davidson of Hillsborough Dist. 21 — To Transportation and Aeronautics.)

HB 904, relative to prior service credit in the retirement system of certain employees of political subdivisions. (Clark of Strafford Dist. 4 — To Appropriations.)

## SUPREME COURT OPINIONS

### *To the House of Representatives:*

The undersigned Justices of the Supreme Court return the following answers to your request for an opinion relating to House Bills No. 156 and No. 381, as contained in your resolution filed with this court on April 2, 1971.

House Bill 156 would establish a tax upon the profits of corporations at a rate of five percent, and House Bill 381 would impose a tax at the same rate upon the income of individuals. A proposed amendment to House Bill 381 would change the rate of the tax on individuals to three percent. The question presented to us is as follows: "If House Bill 156, as written, and House Bill 381, as amended to change the rate of taxation thereby imposed to three percent, are both enacted, would any provision of the Constitution of the State of New Hampshire be violated?"

The issue is whether corporations may be taxed upon income at the rate of 5%, as provided by House Bill 156, and individuals at a rate of 3%, as would be provided by House Bill 381, if it were amended as suggested by your resolution.

As we interpret House Bill 156, although it is phrased in terms of gross business profits, it would impose what is essentially a net income tax. Section 1, 77-C:1 (III) (a), and (IV); section 1, 77-C:2. See P-H Federal Taxes Report, Bulletin 3, Extra Issue, January 25, 1971, Specimen Returns. House Bill 381, on the other hand would impose a gross income tax upon individuals. Section 1, 77-C:5. See P-H Federal Taxes Report, Bulletin 50, Extra Issue, December 15, 1970, Individual Specimen Returns.

For reasons more particularly set out in No. 6238, *Opinion of the Justices* returned herewith, we are of the opinion that no provision of the Constitution would be violated if the rate of the proposed tax upon corporate net income should differ from that of the proposed tax upon gross income of individuals, assuming of course the same income would not be taxed under both bills, which appears to be the case. For further elaboration, you are respectfully referred to the *Opinion of the Justices* in No. 6238, *supra*.

In expressing this opinion we note that House Bill 381 would repeal RSA ch. 77 (the tax on interest and dividends) and RSA ch. 77-B (the commuter's income tax); and House Bills 156 would repeal RSA ch. 77-A (the business profits tax). House Bill 156 would also allow as a credit against the tax which it imposes, any taxes paid under RSA chapters 82 (the taxation of railroads and public utilities), 83-B (the franchise tax), 84 (the taxation of banks), and 402 (the taxation of insurance companies). See *Opinion of the Justices*, 110 N.H. 117, 262 A.2d 290 (1970).

The answer to your question is "No."

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
William A. Grimes  
Robert F. Griffith

April 21, 1971.

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*To the House of Representatives:*

The undersigned Justices of the Supreme Court submit the following reply to your request for advice included in your resolution adopted March 31, 1971 and filed in this court on April 2, 1971, relating to House Bill No. 621.

House Bill No. 621, entitled "AN ACT increasing the authorized debt limit of the Pelham school district" reads as follows:

"1. Debt Limit Increased. Notwithstanding the provisions of RSA 33:4-a the Pelham school district may incur net indebtedness to an amount at any one time outstanding not exceeding twelve percent of its valuation determined pursuant to RSA 33:4-b.

"2. Effective Date. This act shall take effect upon its passage."

You submitted the following questions:

"1. Do the provisions of House Bill No. 621 change the charter or form of government of the Pelham school district?

"2. If the answer to question 1 is in the negative is a school district a city or town for the purposes of Article 39, Part First of the New Hampshire Constitution?"

Part I, article 39 of the Constitution of the State of New Hampshire as inserted in 1966 provides that no law changing the charter or form of government of a particular city or town shall become effective except upon approval of the voters of such city or town upon a referendum to be provided for in the law.

House Bill No. 621 would authorize an increase in the debt limit of the Pelham school district as limited by RSA 33:4-a (supp.) modified by Laws of 1957, Chapter 381. This would not be a law "changing the charter or form of government" of the Pelham school district but is one which would relieve the school district from the debt limitation of a statute applicable to school districts in general. Thus it does not fall within the requirements of Part I, Article 39 of the Constitution. See *Opinion of the Justices*, 109 N.H. 396, 400, 254 A.2d 273, 276 (1969). The answer to your first question is therefore in the negative.

Since our answer to your first question makes an answer to your second question unnecessary, we respectfully decline to answer it. *Opinion of the Justices*, 109 N.H. 367, 368, 253 A.2d, 492, 493 (1969).

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
William A. Grimes  
Robert F. Griffith

April 21, 1971.

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*To the House of Representatives:*

The undersigned Justices of the Supreme Court reply as follows to the inquiries pertaining to House Bill 382 contained in your resolution adopted March 31, 1971 and filed with this court on April 2, 1971.

House Bill 382, Section 3 would enact a new chapter, to be entitled Chapter 78-C, "Sales and Use Tax." It would impose a tax of 3% on retail sales of tangible property and on the gross value of many services enumerated therein (s. 3, 78-C:2 (VI) (d) (1) - (8)). It would exempt certain specified sales, some of which are otherwise taxed. S. 3, 78-C:9. The exemptions would include services in connection with "Meals and Rooms subject to taxes imposed by RSA 78-A," if a proposed amendment to section 3 is adopted. While the proposed amendment as submitted with your resolution refers to "RSA 78-C:9 as inserted by section 1 of the bill," we think it evident that section 3 of the bill is thereby intended.

Your first inquiry is as follows: "Would any constitutional provision be violated by imposing a tax upon meals and rooms under RSA 78-A at a rate of 5% of the charge for the meal or room, and by imposing a tax of 3% upon the sale of tangible personal property and certain services as listed in House Bill 382, which would specifically exempt any tax on meals and rooms as taxed by RSA 78-A?"

We are in agreement with what was said in *Opinion of the Justices*, 97 N.H. 533, 535, 536, 81 A.2d 845, 848 (1951): "It should be noted that the validity of a tax on retail sales is not questioned. That such a tax is constitutional has been declared by this court on former occasions. *Opinion of the Justices*, 84

N.H. 559, 576; *Opinion of the Justices*, 88 N.H. 500; *Opinion of the Justices*, 95 N.H. 546. 'The tax being upon "the transmission of property in a distinctive way," it is immaterial whether it be placed upon the seller or upon the purchaser.' *Opinion of the Justices*, 88 N.H. 500, 503. Tangible personal property sold at retail is one of the 'other classes of property' referred to in Art. 6 of Part II of the Constitution as being subject to taxation. See also, *Havens v. Attorney-General*, 91 N.H. 115; *Opinion of the Justices*, 94 N.H. 506."

We also recognize as stated therein that the "Legislature has liberal powers with respect to the classification of taxable property." *Id.*, 536. The exercise of its powers of taxation however is also subject to the requirements of equality and proportionality, (CONST. pt. II, art. 5) which operate to require that all subjects of taxation within a given class shall be taxed at a uniform rate. *Opinion of the Justices*, 94 N.H. 506, 509, 52 A.2d 294 (1957); *Opinion of the Justices*, 99 N.H. 517, 113 A.2d 119 (1955); *Opinion of the Justices*, 106 N.H. 202, 208 A.2d 458 (1965).

Your question presents the issue of whether the services of furnishing rooms for hire, and prepared meals and beverage and accompanying services, which are taxed under RSA 78-A (supp.), are sufficiently distinguishable from other services which would be taxed under House Bill 382, as to make it apparent that just reason exists to tax them at a higher rate than the services enumerated by section 3, 78-C:9 of the bill. See *Opinion of the Justices*, 99 N.H. 517, 518, 113 A.2d 119, 120 (1955); *Opinion of the Justices*, 97 N.H. 546, 81 A.2d 853 (1951).

Services which would be taxed by the bill include "the service of repairing, altering, mending, pressing, dyeing, laundering, dry cleaning, or cleaning tangible personal property," the service of printing, photographing or copying, barber and beauty services to persons and animals, parking services for motor vehicles and boats, and intrastate telephonic and telegraphic services. No doubt each type of the enumerated services has some unique trait not present in the services of providing meals or rooms, but as to all services, the "characteristic event" which justifies imposition of a tax differing from the general property tax is the same — namely, the furnishing or sale of a service. See *Opinion of the Justices*, 84 N.H. 559, 575, 149 A. 321, 329 (1930); *Havens v. Attorney-General*, 91 N.H. 115, 118-19, 14 A.2d 636, 638 (1940).

Whether the right to a prepared meal and the right to occupy a room can reasonably be considered a separate "class of property" within the meaning of the language inserted in article 6, part II of the Constitution by the amendment of 1903, which can be distinguished from the right to other services to be taxed under House Bill 382 is a matter as to which we have been furnished no argument or information. On its face and in the abstract such a classification may be of doubtful constitutionality. *See Opinion of the Justices*, 99 N.H. 512, 112 A.2d 44 (1955).

Comparison of the services to be taxed under House Bill 382 with those of furnishing meals or rooms now taxed under RSA ch. 78-A, illustrates the "danger of creating, by narrow classification, a tax upon occupations or privileges" (*Opinion of the Justices*, 97 N.H. 546, 548, 81 A.2d 853, 855 (1951)), which would "fail to promote 'equal or honest division of [the] common burden' *Robinson v. Dover*, 59 N.H. 521, 528." *Id.* Although they may exist, no reasons have been presented to us "which may fairly be thought just and in the public interest" (*Opinion of the Justices*, 94 N.H. 506, 509, 52 A.2d 294, 296 (1947)) for the selection of the services taxed by RSA ch. 78-A (supp.) for taxation at one rate, and those enumerated in House Bill 382 for taxation at another. *Opinion of the Justices*, 99 N.H. 517, 113 A.2d 119 (1955). *See Opinion of the Justices*, 82 N.H. 561, 138 A. 284 (1927); *Opinion of the Justices*, 95 N.H. 555, 65 A.2d 876 (1949).

On the basis of the information presently available to us, our answer to your first question is "Yes."

Your second question is as follows: "If question No. 1 is answered in the affirmative, would there be any constitutional provision violated by amending RSA 78-A so as to impose a 3% tax on the transactions taxed by the meals and rooms tax law?" We assume that the question implies that House Bill 382 would also be enacted if the rate imposed by RSA ch. 78-A should be changed to 3%. Upon this assumption, our answer to your second question is "No."

Your third question with respect to "any other provisions of House Bill 382 and the proposed amendment" is also answered "No." In view of the complexity of the bill and the absence of adversative argument, "[w]e have not undertaken to consider all the provisions of the bill in every detail to ascertain whether they may be objectionable . . . . 'We do not con-

ceive that it is our province to do so.' *Opinion of the Justices*, 84 N.H. 559, 564." *Opinion of the Justices*, 94 N.H. 510, 512, 52 A.2d 297, 298 (1955). See *Opinion of the Justices*, 99 N.H. 525, 528, 113 A.2d 547, 548 (1955).

Chief Justice *Kenison* asks to be excused from expressing his views for reasons which might be thought to disqualify him. See *Opinion of the Justices*, 99 N.H. 536, 540, 114 A.2d 801, 804 (1955).

Laurence I. Duncan  
Edward J. Lampron  
William A. Grimes  
Robert F. Griffith

April 21, 1971.

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*To the House of Representatives:*

The undersigned Justices of the Supreme Court reply as follows to the inquiries with respect to House Bill No. 383 contained in your resolution adopted March 31, 1971 and filed with this court on April 2, 1971.

House Bill 383 would enact "a personal income tax," as a new chapter 77-C, at the same time repealing the interest and dividends tax (RSA ch. 77), the commuters' income tax (RSA ch. 77-B), and the poll tax (RSA 72:1, and related provisions).

It would also enact as RSA ch. 72-A a statute entitled "Property Tax Relief and Stabilization," which would provide a measure of tax relief to persons subject to the general property tax, by means of a limited credit against a personal income tax due under the proposed statute, or by outright grant to the taxpayer, or both.

Your resolution takes note of the fact that RSA ch. 77-A imposes "a 6% tax on the taxable business profits of business organizations" and the first question contained in the resolution is as follows: "Would any constitutional provision be violated by imposing a tax of 3% on personal incomes as proposed by section one of House Bill 383 while at the same time imposing a tax of 6% on taxable business profits of business organizations under RSA 77-A?"

The essential features of the business profits tax were considered in *Opinion of the Justices*, 110 N.H. 117, 262 A.2d 290,

returned to the Governor and Council on January 30, 1970. As then proposed, the tax was considered to be in the nature of a tax on net income, and not required to be at a rate uniform with that of the interest and dividends tax (RSA ch. 77:1 (supp.)), "a tax upon . . . gross income." *Id.* at 122, 262 A.2d at 295. While the proposed business profits tax was not then in the form of a legislative bill, as enacted at the 1970 special session of the legislature it contained the essential provisions considered in the opinion previously returned. RSA ch. 77-A (supp.)

As indicated, a tax of 6% is thereby levied upon the "taxable business profits of every business organization" (s. 2), which by definition means the "gross business profits" (s. 1 (IV)) of corporations, partnerships, individual proprietorships, trusts and estates (s. 1 (III)), with deductions before tax, limited in the case of sole proprietorships primarily to "a fair and reasonable compensation for the personal services of the proprietor." RSA 77-A:4, (business profits tax).

The tax proposed by House Bill 383 in the new chapter 77-C would be upon the income of individuals and fiduciaries at a rate of 3% of "New Hampshire taxable income." Section 1, 77-C:2. This is defined to mean, as to resident individuals, "New Hampshire modified gross income" (s. 1, 77-C:1 (V)) which is "the amount of the taxpayer's adjusted gross income for federal income tax purposes" (s. 1, 77-C:1 (IV)), with certain adjustments (*id.*) and with taxable business profits deducted. S. 1, 77-C:1 (V) (a) (2). Resident fiduciaries would similarly be taxed upon total income shown by federal return, less "profit from trade or business if any." S. 1, 77-C:1 (V) (c) (2) (B). Nonresident individuals and nonresident fiduciaries would be taxed upon "New Hampshire derived income" (s. 1, 77-C:1 (V) (b), (d)), defined to mean rents, royalties and income from personal services from activities within the state, exclusive of income subject to the business profits tax. S. 1, 77-C:1 (III). Thus the personal income to be taxed would not include income taxable under RSA ch. 77-A as business profits, but would include income from wages, salaries, and unearned income.

In *Opinion of the Justices*, 110 N.H. 117, 122, *supra*, we stated that "net income may properly be defined by reference to presently effective federal law." We consider that gross income may also be defined by reference to existing federal law,

and that "adjusted gross income" thus defined, and "total income" as employed by House Bill 383 in imposing a tax upon resident individuals and fiduciaries would violate no constitutional provision.

The tax which House Bill 383 would impose would be a gross income tax (*see* 33 Am. Jur. 2d, 1971 Federal Taxation, ¶1056) which would differ in its essential characteristics from the net income tax imposed by the business profits tax law. This being so, we are of the opinion that the tax proposed by the bill may be at a rate differing from that of the business profits tax, without violation of the Constitution. *Opinion of the Justices*, 110 N.H. 117, 122 *supra*. *See also Opinion of the Justices*, 101 N.H. 549, 558, 137 A.2d 726, 732 (1958). We adhere to the view previously expressed, that the characteristics of gross income are sufficiently distinct from those of net income as to admit of separate classification, provided that all income within each class is taxed at a uniform rate.

By reason of the features of House Bill 383 previously noted, no double taxation of income would result. *Cf. Opinion of the Justices*, 106 N.H. 202, 207, 208 A.2d 458, 462 (1965). Your first question is answered "No."

Your second question relates to the property tax relief provisions of House Bill 383, and is as follows: "Would any constitutional provision be violated by section nine or by including in section nine of House Bill 383 the limitations proposed by the said amendment?"

A credit against the personal income tax which would be provided for by section 1, 77-C:4 of this bill is: "Allowable claims for property tax relief and stabilization under the provisions of RSA 72-A," which is section nine of the bill. The nature of such claims is stated in section nine as follows: "72-A:3 Computation of Claim. For any taxable year, a claimant shall be entitled to make claim for the amount by which the property taxes accrued or rent constituting property taxes accrued upon the claimant's homestead for the taxable year exceeds 6% of the claimant's total household income for that taxable year."

The proposed amendment to section nine of the bill referred to by your question would add to the above provisions, the following: "Provided, that for the purpose of computing claims, property taxes accrued or rent constituting property

taxes accrued shall in no event exceed nine hundred dollars and provided further, that in no event shall any claim be allowed in excess of three hundred dollars."

The net effect of the provisions of section 9, 72-A:3 would be to credit a taxpayer with the amount by which his property tax exceeds 6% of "all income received by all persons of [his] household in the calendar year while members of the household" (72-A:1 (III)), by excusing him from payment of any personal income tax to that extent; and in the event his excess property tax should exceed his personal income tax liability, or if he has no such liability, by entitling him to receive payment from the state in the amount of such excess. 72-A:4. The amendment to section 3 would place an upper limit of nine hundred dollars upon the amount of property taxes to be used in computing a claim under the new chapter, and an upper limit of three hundred dollars upon any allowable claim.

We take the view that limitations such as those proposed by the amendment are an essential prerequisite to constitutionality. See *Opinion of the Justices*, 84 N.H. 559, 571-72, 149 A. 321, 327-28 (1930); *Opinion of the Justices*, 88 N.H. 500, 507, 190 A. 801, 806 (1937). Under the amendment the credit provided to any taxpayer would be limited by reason of the nine hundred dollar limitation (representing a valuation of \$22,500 at the average tax rate) to an exemption, not to exceed three hundred dollars, of the difference between six percent of his household income and the amount of his property tax bill under \$900. Thus, the relief afforded by the proposed chapter 72-A would benefit primarily the low or moderate income family, a disproportional amount of whose income would otherwise be consumed by property taxes. See Howard, "State and Local Fiscal Relationships," New Hampshire Town and City, Jan. 1971, p. 4.

The new chapter created by section nine (ch. 72-A) is not a revenue measure but is a tax relief measure. The fact that the claim provided by 72-A:3 may be used as a credit against personal income tax liability does not affect the validity of the income tax. The purposes of section nine could be equally as well achieved were the state to administer the personal income tax independently, and then return to the taxpayer the amount designated as a credit against the income tax, plus any other benefit provided by section nine to which he might be entitled.

The validity of section nine of the bill depends upon the essential characteristics of the section. *Opinion of the Justices*, 99 N.H. 528, 530, 114 A.2d 514, 516 (1955). Its purpose, to lessen the burden cast upon families of small or moderate means by the general property tax, is a recognized public purpose both in this state, and elsewhere. The effect of the tax relief provisions would be to furnish a limited property tax exemption, but at the expense of the state, and not of the municipality which levies the tax.

The provisions of the Constitution, pt. I, art. 12, and pt. II, art. 6 "have always been understood to deny power to the legislature to authorize the assignment of public funds to other than public purposes." *Opinion of the Justices*, 85 N.H. 562, 563, 154 A. 217, 221 (1931). Public assistance, afforded in a limited way and without discrimination, to persons eligible therefor by reason of a lack of means of their own, is a recognized exercise of the protective power. *Id.* See *Opinion of the Justices*, 82 N.H. 561, 571, 138 A. 284, 290 (1927).

The relief which section nine would afford would extend to homesteads rented as well as owned. The limitations to be imposed by the amendment confine the relief provided within reasonable bounds, and subsidize only taxes upon properties of moderate valuation which are taxed to persons of limited means.

The exemption provided by section nine would not violate equality of right if the classification adopted is reasonable. *Opinion of the Justices*, 82 N.H. 561, 570-73, 138 A. 284, 287-88 (1927); *Opinion of the Justices*, 110 N.H. 206, 266 A.2d 111 (1970). We think it may be considered in the public interest and reasonable to exempt up to three hundred dollars of the amount by which a property tax exceeds six percent of an owner's income on a home which is subject to a high tax.

Exemptions from taxation may be thought to produce inequality; but it is established law that under our Constitution while inequality of taxes laid is forbidden, "inequality caused by taxing some property and not other is permitted." *Opinion of the Justices*, 95 N.H. 548, 550, 551, 65 A.2d 700, 701 (1949); *Opinion of the Justices*, 82 N.H. 561, 574, 138 A. 284, 291 (1927). And see *Opinion of the Justices*, 94 N.H. 515, 53 A.2d 194 (1947).

Other jurisdictions including Vermont (Vt. Laws 1969, ch. 139), Kansas (Kan. Stat. Ann. ss. 79-4501 to 4518 (Supp. 1970)),

Minnesota (Minn. Stat. ss. 290.0601-.0617 (1969)) and Wisconsin (Wis. Stat. s. 71.09 (7) (1967)) have enacted comparable measures having analogous safeguards. See Calif. Rev. and Tax. Code ss. 19501-40 (Deering Supp. 1971). The limitations of the amendment serve to prevent the extension of greater tax relief to the "elderly lady living in a great mansion" than to one who lives in a modest home. Shannon, "Circuit Breakers as a Means of Putting a Ceiling on Property Taxes," p. 1, Advisory Commission, Intergovernmental Relations, Washington, D.C. (1970). It is not thought that section nine would have the effect of establishing progressive rates for either the personal income tax or the property tax. Rather it would provide a limited exemption from the property tax upon homesteads, in amounts uniformly proportional within the class entitled to relief, at a flat percentage rate of the aggregate incomes of the household inhabitants. A three hundred dollar exemption granted as to amounts by which property taxes exceed six percent of family income is not unreasonable upon its face, in the light of country-wide statistics showing four percent of income to be the country-wide average for property taxes. Jaffe, "Reducing the Property Tax Burden On the Poor," *Pennsylvania*, Jan. 1971, p. 22.

As is always the case with legislative enactments, the wisdom of the measure proposed is for the legislature, and not within the prerogative of the justices to determine. *Opinion of the Justices*, 101 N.H. 549, 553, 137 A.2d 726, 729 (1958). See *Niemiec v. King*, 109 N.H. 586, 587, 258 A.2d 356, 358 (1959).

We conclude that section nine of the bill as proposed to be amended would not violate the Constitution. The answer to your second question is also "No."

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
William A. Grimes  
Robert F. Griffith

April 21, 1971.

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SENATE MESSAGES  
CONCURRENCE ON

HB 339, relative to the construction of area schools and additions thereto.

ENROLLED BILLS AMENDMENT  
SENATE ADOPTION

HB 82, relative to the expenditure of funds in urban renewal programs.

CONCURRENCE ON HB WITH SENATE  
AMENDMENT

HB 201, relative to donation of blood by minors.

(Amendment printed in SJ Apr. 21, p. 496)

Rep. Spaulding moved that the House concur in the Senate amendment.

Adopted.

INTRODUCTION OF SB's  
First, second reading and referral

SB 39, relative to acquiring park and recreation areas in towns. Resources, Recreation and Development

SB 79, creating a legislative commission to study and make recommendations relative to the expenditure of state funds for higher education and making an appropriation therefor. Education

ENROLLED BILLS AMENDMENT

HB 82, relative to the expenditure of funds in urban renewal programs.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

relative to financial reports of housing authorities.

Adopted.

## UNANIMOUS CONSENT

Reps. Greenwood and Townsend addressed the House by unanimous consent.

## COMMUNICATION

April 20, 1971

To House Speaker Marshall Cobleigh, House Chaplain Rev. William L. Shafer and Members of The New Hampshire General Court:

I appreciate the resolution sent to me and my family expressing the regret of the passing of my beloved husband, Jacob M. Shulins.

Although this was his first term serving as a Representative to the Legislature he made many friends and enjoyed his work with the Committee of Labor, Human Resources and Rehabilitation.

Thank you for your sympathy and kindness.

Sincerely,

Mrs. Jacob M. Shulins, and Family

## COMMITTEE REPORTS

**HB 310**

relative to recoveries by the division of investigation of accounts. Ought to pass. Rep. Drake for Appropriations

Ordered to third reading.

**HB 477**

relative to fees for registration as professional engineer. Ought to pass. Rep. Drake for Appropriations

Ordered to third reading.

**HB 518**

relative to the salary of the Carroll county sheriff. Ought to pass with amendment. Rep. Esther Davis for Carroll County Delegation

## AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect as of January 1, 1971.

Amendment adopted.

Ordered to third reading.

### **HB 519**

relative to the fees charged in the registry of deeds of Carroll County. Ought to pass with amendment. Rep. Esther Davis for Carroll County Delegation

### **AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

### **HB 385**

to provide for regulation of electricians and electrical installations. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration

The amendment essentially clarifies parts of the bill and is a result of the public hearing and seemed to be agreed upon by the various parties.

At the request of Rep. Oleson, Rep. Moran answered questions.

(discussion)

Rep. Levy moved that HB 385 be indefinitely postponed and spoke in favor of the motion.

(Speaker in the Chair)

Reps. Trowbridge, LaMott, Belair, Michels and Shirley Clark spoke against the motion.

Rep. Cleon Gardner spoke in favor of the motion.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

A division was requested.

170 members having voted in the affirmative and 126 in the negative HB 385 was indefinitely postponed.

### RECONSIDERATION

Rep. Sears, having voted with the majority, moved that the House reconsider its action in killing HB 385 and spoke against the motion.

Motion lost.

### HJR 43

providing for a visitors' center in the state house. Ought to pass with amendment. Rep. Mason for Executive Departments and Administration.

Rep. Williamson spoke against the amendment.

Rep. Shirley Clark spoke in favor of the amendment.

Amendment lost.

Ordered to third reading.

### HJR 45

establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor. Ought to pass with amendment. Rep. Mason for Executive Departments and Administration.

### AMENDMENT

Amend the title of the resolution by striking out the same and inserting in place thereof the following:

### JOINT RESOLUTION

establishing an interim committee to study the implementation of an administrative procedure act and draft legislative proposals therefor.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

There is hereby established a committee to study what should be contained in an administrative procedure act relative to (1) publicity or notice prior to the promulgation of rules

or regulations, (2) the necessity for formality of, and type of record of public hearings prior to the promulgation of or on appeal from rules or regulations, (3) the type and right of appeal that should be provided for, and (4) whether different requirements should be provided for depending on the type and size of the authority promulgating the rules or regulations. The committee shall consist of nine members, three of whom shall be from the public and appointed by the governor. The remaining six members shall be the chairman of the house judiciary committee, the chairman of the senate judiciary committee, the attorney general or his designee, the director of legislative services or his designee, the president of the New Hampshire Bar Association or his designee and the chairman of the judicial council or his designee. The chairman of the committee shall be the attorney general or his designee, who shall call the organizational meeting of the committee no later than September 1, 1971. The committee may conduct such hearings as it deems necessary to carry out its duties and may consult with officials of other states to ascertain what their experience has been in operating under an administrative procedure act. The committee shall report to the general court on or before January 15, 1973 with its recommendations, including proposed legislation in draft form. The members of the committee shall be entitled to reimbursement for actual expenses incurred in the performance of duties hereunder.

Amendment adopted.

Rep. James O'Neil moved that HJR 45 be laid on the table.

Adopted.

### HB 109

relative to the power of conservation officers to board boats in connection with administration of marine laws. Ought to pass with amendment. Rep. Maynard for Fish and Game.

If a conservation officer has reasonable cause to believe marine laws are being violated he would have the power to board boats.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Boarding With or Without Warrant. Amend RSA 211:41 by inserting in after paragraph IV the following new paragraph: V. To board any boat, with or without a warrant, if he has reasonable cause to believe the marine rules and regulations are being or have been violated thereon, for the purpose of enforcing marine laws, rules and regulations pertinent to the public waters under the jurisdiction of this state.

At the request of Rep. Junkins, Rep. Hayes answered questions.

Rep. Boucher moved that HB 109 be indefinitely postponed and spoke in favor of the motion.

Reps. Maynard and Hayes spoke against the motion.

(discussion)

Motion lost.

Amendment adopted.

Ordered to third reading.

### **HB 543**

to increase the fee for non-resident hunting and fishing licenses. Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

### **AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Non-resident Fresh Water Fish and Salt Water Smelt Licenses. Amend RSA 214:9, VIII (supp) as amended by 1955, 324:3; 1961, 32:2 and 1965, 49:4 by striking out said paragraph and inserting in place thereof the following: VIII. If the applicant is a non-resident and wishes to take fresh water fish or salt water smelt only, fourteen dollars and fifty cents, and the agent shall thereupon issue a non-resident fishing license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title, provided that if said applicant wishes to take said fish or smelt for fifteen consecutive days, nine dollars and fifty cents, and the agent shall thereupon issue a fifteen-day non-resident fishing license for **said time only under the restrictions of this title**, and further provided that if the applicant wishes to take said fish or smelt

for seven consecutive days, seven dollars and fifty cents, and the agent shall thereupon issue a seven-day non-resident fishing license for said time only under the restrictions of this title.

At the request of Rep. Higgins, Rep. Hayes answered questions.

Amendment adopted.

Referred to Appropriations.

#### HJR 44

to establish an interim committee to study the adoption laws, and making an appropriation therefor. Ought to pass with amendment. Rep. Record for Judiciary.

Great need for study of our adoption laws. Would provide a representative, with only a very small appropriation.

#### AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

An interim committee is hereby established to make a comprehensive study of all adoption laws and laws relating to the termination of parental rights. The committee shall consist of the following members: one member from the senate to be named by the president of the senate; two members from the house of representatives to be named by the speaker; one member from the legal profession to be named by the board of governors of the New Hampshire Bar Association; one member from the medical profession, who shall be a pediatrician, to be named by the executive committee of the New Hampshire Medical Association; one member from the Child and Family Services of New Hampshire, to be named by the director of said organization; one member of the New Hampshire Catholic Charities, Inc., to be named by the director of the organization; one member from the division of welfare, one member from the advisory commission on health and welfare, and one member who is a parent of an adopted child, the three last mentioned members to be named by the commissioner of health and welfare; one member representing New Hampshire judges of probate, to be named by the administrative committee of the judges of probate, and the director of legislative services or his designee. The commissioner of health

and welfare shall call the first meeting of said committee within ninety days after the passage of this resolution. At said meeting the committee shall elect from its membership a chairman and a clerk. The study provided for herein shall include consideration of the merits of enacting all or part of the uniform adoption law into legislation in New Hampshire. The committee shall make a report to the general court of its recommendations for consolidation or change of existing adoption laws and laws relating to the termination of parental rights on or before January 15, 1973. The members of the committee, other than employees of the state, shall be paid expenses incurred in travel on committee business. The sum of one thousand, five hundred and eighty dollars is hereby appropriated to be expended by the committee for expenses, which may include clerical assistance. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

#### **HB 671**

to provide for historic districts in towns without zoning. Ought to pass. Rep. Allen for Municipal and County Government.

Ordered to third reading.

#### **HB 119**

relative to making improvements to the central New Hampshire turnpike and making an appropriation therefor. Lay on table. Rep. Trowbridge for Public Works.

Resolution adopted.

#### **HB 175**

relative to making improvements to the eastern New Hampshire turnpike and making an appropriation therefor. Lay on table. Rep. Trowbridge for Public Works.

Resolution adopted.

#### **HB 609**

providing for the construction of a toll highway from Manchester to Hampton and making an appropriation therefor. Lay on table. Rep. Trowbridge for Public Works.

Resolution adopted.

**HB 495**

prohibiting the use of motor boats with engines in excess of five horsepower on certain bodies of water in Ossipee. Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Committee felt that the problems on these ponds would be more equitably handled under the provisions of RSA 270:12.

Resolution adopted.

**HOUSE RESOLUTION**

Offered by Rep. Bigelow

*Be it resolved* that House Rule 58, as suspended on March 30, 1971 to extend the time from April 1 to April 22, be further suspended so as to exempt from the provisions thereof all bills and resolutions carrying appropriations which have been referred to the ways and means committee and the capital budget bill which has been referred to the public works committee.

The Clerk read the resolution in full.

Adopted.

Rep. Maloomian offered the following resolutions:

**RESOLUTIONS**

*Whereas*, April 25th is the 54th anniversary of the slaughter of one and a half million Armenian men, women and children in Turkish Armenia, and

*Whereas*, many descendants of this slaughter have found a new way of life in America, therefore be it

*Resolved*, that when the House adjourns today it adjourn in memory of those whose lives were lost in the massacre.

\* \* \*

Unanimously adopted.

**BILLS PLACED ON CALENDAR UNDER RULE 57**

Municipal and County Government

HB 449, relative to balloting at town meetings relating to bond issues.

SB 18, relative to filing dates for nominations in certain cities and towns.

#### Resources, Recreation and Development

HB 458, prohibiting the use of motorboats on Berry Pond in Moultonborough.

Placed on the Calendar for April 29.

#### BILLS DUE FOR REPORT ON APRIL 28, 1971, WHICH HAVE NOT POSTED A HEARING. RULE 43

#### Fish and Game

HB 587, establishing limits on the season for taking wild deer.

#### Labor, Human Resources and Rehabilitation

HB 567, to increase the minimum wage rate.

#### BILLS PLACED ON THE CALENDAR FOR APRIL 27 UNDER RULE 58

HB 308, to provide forms for voter registration, and make an appropriation therefor.

HB 613, relative to the terms of members of the air pollution control agency, expanding the powers of the agency and establishing a permit system for the control of air pollution.

HB 734, appropriating funds for free influenza immunization for certain indigent persons.

#### BILLS PLACED ON THE CALENDAR FOR APRIL 28 UNDER RULE 58

HB 505, providing that school districts pay part of the cost of tuition for vocational education provided by another district, that the state pay the balance and making an appropriation therefor.

HB 552, relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands commission and making an appropriation therefor.

HB 770, to improve eminent domain procedure and making an appropriation therefor.

BILLS PLACED ON THE CALENDAR FOR  
APRIL 29 UNDER RULE 58

HB 78, to authorize the industrial authority to provide housing for industrial workers.

HB 210, relative to establishing a state housing authority and a state housing finance agency and making an appropriation therefor.

HB 376, establishing a department of housing and making an appropriation therefor.

HB 754, to provide for the licensing of plumbers, and installers of water pumps and water conditioners.

HB 463, providing for studies in each county to consider the advisability of home rule charter acts; amending certain provisions of the laws relative to counties and establishing a county regional government commission and making an appropriation therefor.

HB 756, to increase highway relocation assistance.

VACATE

Rep. Reddy moved to vacate reference of HB 875, providing that the racing commissioners shall be appointed for six year terms, from the committee on Ways and Means and refer to Executive Departments and Administration.

Adopted.

Rep. Hayes moved to vacate reference of HB 743, relative to licensing fees, registering, and kennel fees for dogs, from the committee on Fish and Game and refer to Municipal and County Government.

Adopted.

UNANIMOUS CONSENT

Reps. James O'Neil and Russell Chase addressed the House by unanimous consent.

RESOLUTION

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late

session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet Tuesday next at 11:00 a.m.

Adopted.

### LATE SESSION

Third reading and passage by House

HB 310, relative to recoveries by the division of investigation of accounts.

HB 477, relative to fees for registration as professional engineer.

HB 519, relative to the fees charged in the registry of deeds of Carroll County.

HB 518, relative to the salary of the Carroll county sheriff.

HJR 43, providing for a visitors' center in the state house.

HB 109, relative to the power of conservation officers to board boats in connection with administration of marine laws.

### RECONSIDERATION

Rep. Maynard, having voted with the majority, moved that the House reconsider its action in passing HB 109 and spoke against the motion.

Motion lost.

HB 671, to provide for historic districts in towns without zoning.

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On motion of Rep. Maloomian the House adjourned at 2:01 in memory of the Anniversary of the Armenian slaughter.

*Tuesday, 27Apr71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Blessed are all thy saints, O GOD and King who have traveled over the tempestuous sea of this life, and have made the harbor of peace and felicity. Watch over us who are still on our dangerous voyage; and remember such as lie exposed to the rough storms of trouble and temptation.

Frail is our vessel, and the ocean is wide; but, as in thy mercy thou hast set our course, so steer the vessel of our life toward the everlasting shore of peace, and bring us at length to the quiet haven of our heart's desire, where thou O our GOD, are blessed, and livest and reignest forever and ever. Amen.

(Prayer of St. Augustine)

Rep. Russell Chase led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Fernald, the day, illness.

Reps. Armand Duhaime, McCarthy and Dudley, the week, illness.

Rep. Dow, the day, illness in the family.

Rep. Chasse, the day, death in the family.

Reps. Edward York, Cassassa and Coughlin, the day, important business.

Reps. Stimmell and Maurice Bouchard, the week, important business.

#### RESOLUTION

Rep. George Roberts offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 905 through 910 shall be

by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 905, relative to the erection, maintenance and regulation of crematories. (Perkins of Merrimack Dist. 11; Bigelow of Merrimack Dist. 3 — To Public Health and Welfare.)

HB 906, regulating prearranged funerals or burial plans, compensating the state board of registration of funeral directors and embalmers and regulating the exposing of corpses. (Perkins of Merrimack Dist. 11; Bigelow of Merrimack Dist. 3 — To Public Health and Welfare.)

HB 907, to prohibit the display of flags, banners and other insignia on public buildings in certain cases. (Gordon of Merrimack Dist. 9 — To Statutory Revision.)

HB 908, limiting the allowable noise level of snow traveling vehicles. (Randall of Rockingham Dist. 17 — To Transportation and Aeronautics.)

HB 909, to provide for the establishment of insurance rates through the competitive rating system. (Woodward of Merrimack Dist. 26 — To Banks and Insurance.)

HB 910, relative to exchange of employees with the federal government in certain cases. (Rules Committee for MacDonald of Merrimack Dist. 25 — To Statutory Revision.)

## BILLS PLACED ON CALENDAR UNDER RULE 57

### Municipal and County Government

HB 463, providing for studies in each county to consider the advisability of home rule charter acts; amending certain provisions of the laws relative to counties and establishing a county regional government commission and making an appropriation therefor.

HB 525, relative to incompatibility of town offices.

HB 542, to require cities and towns to provide tax maps.

### Resources, Recreation and Development

HB 522, relative to the duties of the water supply and pollution control commission.

### Statutory Revision

HB 529, relative to the destruction and removal of boundary markers.

### Liquor Laws

HB 571, permitting sale of beer to persons who have attained the age of eighteen.

Placed on Calendar for May 4.

Rep. Frizzell moved to vacate reference of HB 888, relative to the practice of professional engineering, from the committee of Judiciary and refer to the committee on Executive Departments and Administration.

Adopted.

## SENATE MESSAGES CONCURRENCE

HB 47, relative to traffic surveys and truck weight surveys.

HB 115, relative to the control of junkyards on the interstate, federal-aid primary, and turnpike highway systems.

## CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 309, relative to unemployment compensation.

(Amendment printed in SJ of April 22, 1971.)

Rep. Cate moved that the House non-concur with the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Merrill, Cate and Dion.

## PERSONAL PRIVILEGE

Rep. Gerry Parker addressed the House on Personal Privilege.

Rep. Lemieux moved that the remarks of Rep. Gerry Parker be printed in the Journal.

Rep. Russell Chase spoke in favor of the motion.

Motion lost.

Reps. Michels and McLane wished to be recorded as voting in favor of having Rep. Gerry Parker's remarks printed in the Journal.

## COMMITTEE REPORTS

### HB 187

to revise the procedures governing the practice of dentistry in the state of New Hampshire. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend RSA 317-A:6 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

317-A:6 Compensation. The members of the board shall each receive fifty dollars for each day actually engaged in the duties of their office, plus reasonable expenses necessarily incurred in the discharge of their official duties.

Amend RSA 317-A:13 as inserted by section 1 of the bill by striking out in line five the word "ten" and inserting in place thereof the word (fifteen) so that said section as amended shall read as follows: 317-A:13 Registration. Every person licensed to practice dentistry or dental hygiene in this state, except as provided in RSA 317-A:16 shall, and biennially, in even-numbered years thereafter, on or before April first, renew his license on forms provided by the board and shall pay a fee of fifteen dollars. He shall also notify the board promptly of any change of his business which may occur during the period between biennial registration.

Amend RSA 317-A:16 as inserted by section 1 of the bill by striking out in line eleven the word "ten" and inserting in place thereof the word (fifteen) so that said section as amended shall read as follows: 317-A:16 Inactive List. A dentist or dental hygienist licensed under this chapter, who does not intend to engage in the practice of his profession in New Hampshire, upon written request to the board, may have his name

transferred to an inactive list and shall not be required to register biennially or pay any registration fee as long as he remains inactive. Any dentist or dental hygienist whose name has been included in the inactive list as herein provided shall be restored to active status by the board upon the filing of a written request with said board, the furnishing of evidence of continuing competence satisfactory to said board, and upon payment of the required registration fee of fifteen dollars.

Amend the bill by striking out section 3 and renumbering section 4 to read 3.

Amendment adopted.

Ordered to third reading.

**HB 698**

permitting a variation in the rate of interest on a readvance under a mortgage. Ought to pass. Rep. Lamy for Banks and Insurance.

Eliminates necessity for additional title search when increasing mortgage to original level.

Ordered to third reading.

**HB 467**

relative to intoxicating beverages at interscholastic athletic contests. Ought to pass. Rep. Balomenos for Education.

Bill is self-explanatory and had no opposition. It is unanimously supported by the New Hampshire Interscholastic Association.

Ordered to third reading.

**HB 634**

authorizing the Hampton school district to increase the size of its school board to five members. Inexpedient to legislate. Rep. Dunham for Education.

Covered by previous legislation — HB 446 passed in the House and now pending in the Senate.

Resolution adopted.

**HB 765**

providing for the distribution of the state appropriation for school hot lunches. Ought to pass. Rep. Bowles for Education.

The bill is made necessary by a May, 1970 Congressional amendment to the National School Lunch Act. Beginning in 1971-72, the state must contribute a small share, from budgeted funds, to match the sizeable Federal contribution. The bill is merely an enabling act, an authorization; the issue of state funding will be decided through the budget-appropriations process.

Referred to Appropriations.

### **HB 711**

relative to certain administrative procedures within the department of education, school boards and schools. Ought to pass. Rep. Abbott for Education.

Clarifying amendments of a housekeeping nature relating to several education statutes. Bill neither expands nor contracts the authority of the State Board of Education.

Ordered to third reading.

### **HB 526**

establishing the standardbred development commission within the department of agriculture. Ought to pass with amendment. Rep. Greene for Environmental Quality and Agriculture.

### **AMENDMENT**

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 426 the following new chapter:

#### **Chapter 426-A**

#### **Standardbred Development Commission**

426-A:1 Commision Established. There shall be a commission in the department of agriculture known as the standardbred development commission to consist of five members, four of whom shall be appointed by the governor with the advice and consent of the council. The term of each member so appointed shall be three years and each shall continue in office until his successor has been appointed and qualified. If a vacancy shall occur in said commission, it shall be filled for the unex-

**pired term by the governor with the advice and consent of the council.** The commission shall be comprised of one qualified representative of the New Hampshire Fair Association to be nominated by the New Hampshire Fair Association, one director of the New Hampshire Harness Horse Association to be nominated by the New Hampshire Harness Horse Association, and one member at large who is a resident of this state and who is or has been actively engaged in forwarding the standardbred breed. The commissioner of agriculture and the chairman of the New Hampshire racing commission shall serve as ex-officio members. Whenever nominations to the governor and council from any sources are delayed for longer than a period of thirty days after receipt of notice from the secretary of state that nomination is required, the governor and council are authorized to appoint without such nomination, but having due regard to the qualifications required of each appointee as set forth herein. Nominations to the governor and council shall be promptly submitted both with respect to the initial and successor appointments as well as the filling of vacancies, to the end that there shall be the least possible period of less than full membership of the commission. The chairman of the commission shall be selected by its members. The term of the chairman shall be for one year. Initial appointments by the governor and council shall be as follows: one member for one year, one member for two years and one member for three years. The commission shall meet not less frequently than quarterly and at such other times as it may be convened by the call of the chairman, and on the petition of any three members it shall be the duty of the chairman to convene the commission forthwith.

426-A:2 Compensation. Members of the commission shall serve without compensation.

426-A:3 Duties, Powers and Functions. The commission shall have the duty to promote the breeding of standardbred horses in this state. It shall be the duty and function of the commission further to cooperate with the United States Trotting Association and the New Hampshire Racing Commission, and such other persons, associations or corporations as are concerned with the breeding, management and development of standardbred horses in this state. It shall have the power and authority to make by-laws for the management and regulation of its activities.

426-A:4 Distribution of Funds. The funds provided in RSA 284:25 as amended shall be distributed by the commissioner of agriculture with the approval of the standardbred development commission in the following manner:

I. A portion of said funds, not in excess of twenty percent of the total amount to be distributed in any one year may be distributed by the commission in its discretion for the purpose of assisting the governing body of any agriculture fairs holding annual events or classes for New Hampshire standardbreds in making capital improvements on the land and buildings thereof; provided, however, that no such funds shall be distributed unless at least fifty percent of the total cost of such capital improvements shall be borne by the governing body of such fairs.

II. A portion of said funds in the amount of four thousand dollars shall be distributed annually to the 4-H Youth Development leader in New Hampshire. Said funds shall be used by him for educational purposes in the 4-H light horse program in the state.

III. The balance of said funds shall be distributed to all such fairs in the same proportion as the number of annual events or classes for New Hampshire standardbred horses at each such fair bears to the number of annual events or classes for New Hampshire standardbreds at all such fairs.

426-A:5 Definition. A New Hampshire standardbred shall be any registered standardbred horse owned by a resident of New Hampshire.

2 Increase Distribution of Revenue. Amend RSA 284:23, III-a as inserted by 1969, 181:4 by striking out the same and inserting in place thereof the following new paragraph: III-a. Notwithstanding any other provisions of this chapter the total amount to be expended for the promotion of agriculture as a distribution to agricultural fairs shall not exceed the sum of one hundred and eighty thousand dollars in any other year. Whenever the one-fourth of one percent of the total contributions to all pari-mutuel pools conducted at any running horse race or running horse meet and conducted at any harness horse race or harness race meet, which under the provisions of paragraphs I and II of this section are to be expended for the promotion of agriculture, shall exceed one hundred and eighty thousand dollars in any one year, said excess shall be paid into the general funds of the state.

3 Distribution by Commission. Amend RSA 284:25 (supp) as amended by 1969, 74:1 by inserting in line seven after the word "fair" the following: (Thereafter, the sum of thirty thousand dollars shall be distributed to said fairs in amounts determined in accordance with the provisions of RSA 426-A:4.) so that said section as amended shall read as follows: 284:25 — Distribution to Agricultural Fairs. The portion of the tax on pari-mutuel pools to be distributed for the promotion of agriculture, as provided in section 23 hereof, shall be distributed by the commissioner of agriculture in accordance with the following plan as to all agricultural fairs holding yearly exhibitions in the state and paying premiums of fifteen hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. Thereafter, the sum of thirty thousand dollars shall be distributed to said fairs in amounts determined in accordance with the provisions of RSA 426-A:4. The balance of said fund shall be distributed prorata to said fairs based on the amount of competitive or educational agricultural premiums paid in the preceding calendar year by said fair. In determining the premiums paid the commissioner shall take into consideration the premiums paid for contests, exhibits or displays or domestic livestock, household products, farm crops, and those made by 4-H Clubs or other similar groups. Provided, that no agricultural fair shall be eligible for a distribution pursuant to this section unless said agricultural fair offers premiums in at least three of the following areas: contests, exhibits or displays of domestic livestock, household products, farm crops, or projects submitted by members of 4-H Clubs or other similar groups.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

### **HB 548**

relative to the use of the state seal. Ought to pass with amendment. Rep. Record for Judiciary.

Gives the secretary of state statutory authority to limiting the use of the state seal and to prevent improper commercial use.

## AMENDMENT

Amend RSA 3:9-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

3:9-a Unauthorized Use Prohibited. The state seal shall be the property of the state of New Hampshire. No person shall manufacture, sell, expose for sale, or have in his possession for sale any article or substance, being an article of merchandise or receptacle of merchandise or article or thing for carrying or transporting merchandise, or sell, expose for sale, give away, or have in possession for sale or to give away or for any purpose any article or thing to advertise or promote services, upon which shall have been printed, painted, attached, or otherwise placed a representation or likeness of the state seal, provided, however, that upon application, the secretary of state may authorize the use of the state seal. Once such approval is given, such use shall be exempt from the provisions of this section until or unless such approval is revoked or suspended by the secretary of state.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1972.

Amendment adopted.

Ordered to third reading.

**HB 534**

permitting dining and dancing in the same room where liquor is served. Inexpedient to legislate. Rep. D'Amante for

Liquor Laws.

Resolution adopted.

**HB 537**

providing for liquor licenses for first class ballrooms. Inexpedient to legislate. Rep. O'Connor for Liquor Laws.

Resolution adopted.

**HB 237**

establishing a regional government commission and making an appropriation therefor. Inexpedient to legislate. Rep. Campbell for Municipal and County Government.

Covered by other legislation.

On request of Rep. Webster, Rep. Hanson answered questions.

Rep. Webster moved that HB 237 be laid on the table.

Motion lost.

Resolution adopted.

**HB 479**

providing for county home rule. Inexpedient to legislate. Rep. Ackerson for Municipal and County Government.

Covered by other legislation.

Resolution adopted.

**HB 528**

authorizing town treasurers to deposit moneys in insured savings accounts. Ought to pass. Rep. Little for Municipal and County Government.

Ordered to third reading.

**HB 535**

relative to transfers of land between abutting owners. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Covered by pending legislation.

On request of Rep. Claflin, Rep. Hanson explained the bill.

Resolution adopted.

**HB 593**

providing for construction of a northerly portion of the Spaulding Turnpike and making an appropriation therefor. Inexpedient to legislate. Rep. Fortier for Public Works.

Resolution adopted.

**HB 621**

increasing the authorized debt limit of the Pelham school district. Ought to pass with amendment. Rep. Burleigh for Statutory Revision.

This bill will allow the two towns to make plans for future construction if needed.

Rep. MacDonald spoke against the committee amendment.

Amendment lost.

Rep. Cares offered the following amendment.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

increasing the authorized debt limit of the  
Pelham school district and the Windham school district.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Pelham School District. Notwithstanding the provisions of RSA 33:4-a the Pelham school district may incur net indebtedness to an amount at any one time outstanding not exceeding twelve percent of its valuation determined pursuant to RSA 33:4-b.

2 Windham School District. Notwithstanding the provisions of RSA 33:4-a the Windham school district may incur net indebtedness to an amount at any one time outstanding not exceeding twelve percent of its valuation determined pursuant to RSA 33:4-b.

3 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment in full.

Rep. Cares explained the amendment.

Rep. MacDonald spoke in favor of the Cares amendment.

Amendment adopted.

Ordered to third reading.

### HB 638

making it optional for doctors to have the word physician put on their number plates. Inexpedient to legislate. Rep. Hamel for Transportation.

No real need was shown. Physicians have other means of identifying themselves.

Resolution adopted.

### HCR 17

ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older. Ought to pass. Rep. Higgins for Constitutional Revision.

This concurrent resolution endorses the U. S. Congress proposal that the U. S. Constitution should be changed to allow eighteen year olds to vote in state and local elections. Before becoming law it must be ratified by three-fourths of the state legislatures. It is reported that twenty of the required thirty-eight states have voted for ratification at this time.

Rep. Harvell spoke in favor of the Resolution.

On request of Rep. Bednar, Rep. Russell Chase answered questions.

Reps. Bednar, Gordon and Schwaner spoke against the Resolution.

Reps. Russell Chase and Cares spoke in favor of the Resolution.

(discussion)

(Speaker in the Chair)

Reps. Zachos, David Bradley, Monier, Raiche, Bowles, Radway and James O'Neil spoke in favor of the Resolution.

Rep. Robert E. O'Neil spoke against the Resolution.

HCR 17 adopted.

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The Speaker called under Rule 57 on

### HB 294

relating to public disposal facilities.

Rep. Bowles moved that HB 294 be recommitted to Environmental Quality and Agriculture.

Adopted.

## RECONSIDERATION

Rep. Zachos, having voted with the majority, moved that the House reconsider its action in adopting HCR 17, ratifying the proposed amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older, and spoke against the motion.

Motion lost.

## VACATE

Rep. George Roberts moved to vacate reference of HB 257, sick leave for state employees, from the committee on Appropriations.

Adopted.

Rep. Gordon moved that HB 257 be indefinitely postponed and spoke in favor of the motion.

Rep. Joseph Eaton spoke in favor of the motion.

Rep. MacDonald spoke against the motion.

A division was requested.

158 members having voted in the affirmative and 116 in the negative, the motion to indefinitely postpone carried.

Rep. MacDonald requested a roll call, sufficiently seconded by five members.

## ROLL CALL

YEAS: 161      NAYS: 149

## YEAS

## MERRIMACK COUNTY:

Hardy, Riley, Gamache, Gordon, Little, Dempsey, Howland, Glavin, Noble.

## ROCKINGHAM COUNTY:

Boucher, Soule, MacGregor, Read, Senter, Belair, O'Neil, Robert E., White, Schwaner, Greenwood, Twardus, Cheney, George L., Hammond, Chandler, Quirk, Jameson, Levy, Woods.

## STRAFFORD COUNTY:

McIntire, Canney, Smith, Elmer C., Stevenson, Douglas M., Tirrell, Joncas, Maloomian, Habel, Hebert, Boire, Ineson, Carignan, Ruel, Beaudoin, Sylvain, Preston, Tripp, Leighton, Peabody, Raymond B., Mudgett, Young, Kinney, Parnagian, Richardson, Harriett W. B.

## SULLIVAN COUNTY:

Campbell, Barrows, Burrows.

## BELKNAP COUNTY:

Lawton, Wilkinson, Hood, Drouin, Head, Dulac, Randlett, Maguire.

## CARROLL COUNTY:

Cox, Lagroe, Webster.

## CHESHIRE COUNTY:

Churchill, Forbes, Cournoyer, Forcier, Johnson, Elmer L., Hackler, Vogel, Ames, Cummings, Richard E., Drew.

## COOS COUNTY:

Cook, Huggins, Noyes, Hunt, Lee, O'Hara, Oleson, Fortier, Roy, Desilets, York, Elmer H., McCuin, Oswell, Gagnon, Kidder, Richardson, Mabel L.

## GRAFTON COUNTY:

Rich, Higgins, Brummer, Chamberlin, Foster, Blain, Buckman, Sears, Bradley, Richard L., Mitchell.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Withington, Barnard, Monier, Weibrenner, Daloz, Karnis, Eaton, Clyde S., Heald, Philip C., Warden, Carter, Coburn, Spalding, Kenneth W., Belzil, Record, Lesage, Mason, Desmarais, Gardner, Cleon J., Lachance, Charnard, Cote, Margaret S., O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Grandmaison, Ouellette, Sirois, Bissonnette, Alukonis, Bednar, Keeney, Rodgers, Lyons, Bridges, Ackerson, Dion, Manning, Walsh, Barrett, Lynch, John T., Sysyn, Simard, Cham-

pagne, Chevrette, Derome, St. Onge, Lynch, Doris T., Sweeney, Clear, Murphy, Dennis J., Levasseur, Martineau, Allard, Brunelle, Lambert, Lesmerises, Burke, Grady, Vachon.

## NAYS

## MERRIMACK COUNTY:

Andrews, Bigelow, Parker, Harry C., Reddy, Hanson, Enright, Bartlett, Avery, Perkins, Burleigh, Piper, Chapley, Greeley, Mattice, Michels, Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, MacDonald, Sanders, Wilson, Ralph W., Woodward, Welch, Shirley B.

## ROCKINGHAM COUNTY:

Wilson, Helen F., Griffin, Margaret A., Adams, Gay, Lovell, Gelt, Morrison, Sayer, Clark, Ernest D., Palmer, Spollett, Goodrich, Vey, Sewall, Collishaw, Eastman, Junkins, Page, Hamel, Fiske, Cunningham, Leavitt, Greene, Lockhart, Keefe, Maynard, McEachern, Griffin, Ruth L., Palfrey, Bowles, Croft.

## STRAFFORD COUNTY:

Clark, Shirley M., Cochrane, Towle, Thompson, Barbara C., Dunlap, Balomenos, Bernard, Webber, Fellows, Maglaras.

## SULLIVAN COUNTY:

Townsend, Gaffney, Rousseau, Spaulding, Roma A., Flint, Frizzell, Galbraith, Fleming, Williamson.

## BELKNAP COUNTY:

Urie, French, Roberts, Charles B., Wuelper, Roberts, George B., Whittemore.

## CARROLL COUNTY:

Howard, Donalda K., Davis, Esther M., Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Clafin, Hughes.

## CHESHIRE COUNTY:

Johnson, Edward A., Trowbridge, Allen, Bennett, Dunham, O'Neil, James E., Mallat, Heald, Cleon E., Streeter, Shortlidge, Moran, Barker.

## COOS COUNTY:

Bushey, Mayhew, Burns, Studd, Bouchard, Theriault.

## GRAFTON COUNTY:

Gardner, Van H., Tilton, McGee, Mann, Ezra B., Anderson, Bradley, David H., Radway, Gemmill, Duhaime, Roger M., Tremblay, Merrill, Altman, Hopkins.

## HILLSBOROUGH COUNTY:

Sawyer, Knight, Poehlman, Colburn, Mann, Arthur F., Murray, Bragdon, Hall, Parker, Gerry F., Trombley, Coutermarsh, Cares, Peabody, Arthur H., Harvell, Van Loan, Abbott, Milne, Cote, Joseph L., McDermott, Welch, John L., Clancy, Healy, Lomazzo, McDonough, Lemieux, Belanger, Lavallee.

Reps. Cate and Brungot abstained under Rule 16.

and HB 257, sick leave for state employees, was indefinitely postponed.

## RECONSIDERATION

Rep. Gordon, having voted with the majority, moved that the House reconsider its action in indefinitely postponing HB 257, and spoke against the motion.

Motion lost.

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Bill placed on calendar under Rule 57.

HB 380, to establish a state employees labor relations commission, and making an appropriation therefor.

Rep. Shirley Clark requested a six day extension on HB 380.

Granted.

Bills placed on calendar under Rule 58.

HB 308, to provide forms for voter registration, and make an appropriation therefor. Referred to Special Committee proposed by HB 242.

HB 613, relative to the terms of members of the air pollution control agency, expanding the powers of the agency and establishing a permit system for the control of air pollution.

Rep. Green moved that HB 613 be recommitted to Environmental Quality and Agriculture.

Adopted.

HB 734, appropriating funds for free influenza immunization for certain indigent persons. Inexpedient to legislate. Rep. Goodrich for Public Health and Welfare.

Resolution adopted.

### VACATE

Rep. Roma Spaulding moved to vacate reference of HB 826, restricting abusive treatment to horses, from the committee on Public Health and Welfare and refer to Environmental Quality and Agriculture.

Adopted.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

(Rep. George Roberts in the Chair)

### LATE SESSION

Third readings and passage by House

HB 698, permitting a variation in the rate of interest on a readvance under a mortgage.

HB 467, relative to intoxicating beverages at interscholastic athletic contests.

HB 711, relative to certain administrative procedures within the department of education, school boards and schools.

HB 528, authorizing town treasurers to deposit moneys in insured savings accounts.

HB 548, relative to the use of the state seal.

HB 621, increasing the authorized debt limit of the Pelham school district and Windham school district.

HB 187, to revise the procedures governing the practice of dentistry in the state of New Hampshire.

On motion of Rep. St. Onge the House adjourned at 2:04 in memory of Rep. George "Pat" Angus.

*Wednesday, 28Apr71*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain, Rev. P. V. George, Plymouth Congregational Church.

GOD of our Fathers, we rejoice in the gift of this new day. As we begin this day in the House of Representatives we pray for your divine guidance. Forgive us the errors of yesterday and grant us grace to do our very best this day. Save us from apathy and busyness; lead us to faith and hope.

Remind us of the office to which we are elected by the people and enable us to deal responsibly with every piece of legislation. When we differ, help us to disagree without being disagreeable. When we decide, grant us to act with courage and love that the demands of truth and justice may always be upheld.

Bless the leaders of our Nation and our State with inspired ideas that liberty and justice, peace and prosperity may be enjoyed by all people. Grant to everyone in authority the humility to put human rights over party spirit, the needs of today above yesterday's tradition.

May your will be one on earth, both now and always. Amen.

Rep. Harvell led the Pledge of Allegiance.

Mrs. Arthur Briggs and Nancy Briggs, daughter and granddaughter of Rep. Angus were guests of the House today.

#### MEMORIAL SERVICE FOR REP. GEORGE W. ANGUS

Mr. Speaker, and Members of the New Hampshire General Court — It is with profound sorrow that I note an empty seat in our New Hampshire House today, that of REP. GEORGE W. ("Pat") ANGUS (Sullivan County District 4, Claremont — Ward 2). Today we would honor the memory of this dedicated public servant and laud his labors in this "House of Democracy." We find comfort in these words of another laborer, a carpenter from Nazareth named Jesus, who said, "I am the resurrection, and the life: he that believeth in me, though he

were dead, yet shall he live: and whosoever liveth and believeth in me shall never die.”

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI.  
AMEN.

“We seem to give them back to you, O LORD, who first gave them to us. Yet as you did not lose them in giving, so we do not lose them by their return. Not as the world gives do you give, O Lover of souls. What you give you do not take away, for what is yours is ours also if we belong to you. And life is eternal and love is immortal, and death is only a horizon, and a horizon is nothing save the limit of our sight. Lift us up, strong Son of GOD, that we may see further; cleanse our eyes, that we may see more clearly; draw us closer to yourself that we may know ourselves to be nearer our loved ones who are with you. And while you prepare a place for us, prepare us also for that happy place, that where you are we may be also forevermore. Amen.”

(ex. “The Book of Catholic Worship” — 1966)

#### — THE LORD’S PRAYER —

The Sullivan County Delegation offered the following resolutions.

The Clerk read the resolutions in full.

#### RESOLUTIONS

*Whereas*, we have learned with regret of the death of George W. Angus, Representative for many sessions from Claremont, and

*Whereas*, Mr. Angus served his community faithfully and with efficiency, and our loss will be keenly felt, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

\* \* \*

Unanimously adopted by a minute of silent prayer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI.  
AMEN.

Father in Heaven, your Son wept at the grave of his friend Lazarus, please feel sorrow with those who mourn and comfort them with your love. In your mercy, O Lover of souls, you called forth your servant and our friend, REP. GEORGE W. ("PAT") ANGUS to enter the new life with you. We do not question your call, for with us are left many precious memories. It has been our privilege to know him and to be counted among his co-workers, we know his good works and numerous endeavors, we remember his concern and compassion, and we admire his valiant struggle. What is our loss, O Father of men, is now your gain. Comfort those whom he considered dear to him and those who held him in high regard. May your Abiding Presence linger always and carry us forth through that valley of dark shadows.

And now, O LORD, as we prepare to move from these tender and sacred moments, fit us for the duties of this day, that they who walk before us may have peace in the knowledge that their labors were not in vain and that we, on their behalf, accept the challenge to carry on. Grant Thy Blessing on our "Granite State" and all who labor in this "House of Democracy." Amen.

On motion of Rep. Cullity, the House arose.

LEAVES OF ABSENCE

Reps. Fernald and Lomazzo, today and tomorrow, illness.

Rep. Perkins, the day, important business.

Rep. Beckett, today and tomorrow, important business.

RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 911 and 912 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 911, adopting a comprehensive child abuse law. (Parker of Hillsborough Dist. 15 — To Public Health and Welfare.)

HB 912, prohibiting liquor licenses or permits to organizations which discriminate. (Lemieux of Hillsborough Dist. 34 — To Judiciary.)

## SENATE MESSAGES

ACCEDED TO REQUEST FOR COMMITTEE  
OF CONFERENCE

HB 309, relative to unemployment compensation.

The President appointed Senators Porter and Lamontagne.

## CONCURRENCE ON

HB 61, relative to fish and game licenses issued by the fish and game department.

HB 83, relative to taking wild black bear.

HB 297, relative to taking deer with single shot muzzle-loading firearms.

HB 315, providing that minors who have completed a hunter safety instruction course in another state be recognized as competent to handle firearms in this state.

HB 282, providing for an open season on fisher.

SENATE REFERRAL TO LEGISLATIVE  
STUDY COMMITTEE

HB 179, requiring meat slaughterhouses to pay the cost of inspections conducted outside of regular business hours.

## SENATE NON-CONCURRENCE

HB 317, increasing fines for commercial fishing violations and to provide for confiscation of fishing gear.

## ENROLLED BILLS REPORT

HB 31, relative to filing of annual returns by corporations, reservation of a name by a foreign corporation, and monthly returns of quantity of alcoholic beverages sold.

HB 82, relative to financial reports of housing authorities.

HB 115, relative to the control of junkyards on the interstate, federal-aid primary, and turnpike highway systems.

HB 201, relative to donation of blood by minors.

HB 302, relative to injury to domestic ducks or fowl by hunters.

HB 339, relative to the construction of area schools and additions thereto.

Roxie A. Forbes  
For The Committee.

FURTHER SENATE MESSAGE  
CONCURRENCE ON HOUSE BILL WITH  
SENATE AMENDMENT

HB 277, relative to the power of the New England Aeronautical Institute.

(Amendment printed in SJ of April 27, 1971.)

Rep. Bowles moved that the House non-concur with the Senate amendment and that a Committee of Conference be established.

Adopted.

The Speaker appointed Reps. Bowles, Greene and Lemieux.

## COMMITTEE REPORTS

## HB 604

to authorize the conversion of savings banks to trust companies. Inexpedient to legislate. Rep. Bigelow for Banks and Insurance.

Opposition from commercial banks who feared competition.

Resolution adopted.

**HB 605**

to authorize demand deposits in savings banks. Inexpedient to legislate. Rep. Bigelow for Banks and Insurance.

Opposition from commercial banks who feared competition.

Resolution adopted.

**HB 648**

enacting an insurance holding company act. Ought to pass with amendment. Rep. Lamy for Banks and Insurance.

Model act to protect public against insurance holding companies.

**AMENDMENT**

Amend RSA 401-B:2, I as inserted by section 1 of the bill by striking out the introductory paragraph and inserting in place thereof the following:

I. Authorization. Any domestic insurer, subject to approval of the commissioner, either by itself or in cooperation with one or more persons, subject to the limitations set forth herein or elsewhere in this title may organize or acquire one or more subsidiaries engaged in the following kinds of business:

Amend RSA 401-B:2, I, (f) as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

(f) Acting as administrative agent for and rendering investment advice to governments, government agencies, corporations or other organizations or groups;

Amend RSA 401-B:3, VIII as inserted by section 1 of the bill by inserting after paragraph (b) the following new paragraph:

(c) Any acquisition of any voting security of a domestic insurer by spouses, issue, heirs, or next of kin of the owner acquiring the same by gift, will, appointment, or intestate succession.

Amend RSA 401-B:8 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

401-B:8 Rules and Orders. Upon notice and opportunity for all interested persons to be heard, the commissioner may issue such rules and orders as shall be necessary to carry out the provisions of this chapter.

Amend RSA 401-B as inserted by section 1 of the bill by inserting after section 15 the following new section:

401-B:16 Common Management. Nothing herein shall preclude an authorized insurer from having or sharing a common management or cooperative or joint use of personnel, property or services with one or more other persons under arrangements meeting the standards of RSA 401-B:5, I and II.

Amendment adopted.

Ordered to third reading.

#### **HB 48**

permitting the reapportionment of cooperative school boards to provide for equal representation. Ought to pass with amendment. Rep. Gemmill for Education.

The bill establishes procedures by which cooperative school districts may reapportion to provide for equal representation and updates existing statutes to comply with recent Supreme Court "one man-one vote" decisions.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Apportionment of Cooperative School Boards. Amend RSA 195 by inserting after section 18 the following new subdivisions:

##### **Apportionment of Cooperative School Boards**

195-19 Statement of Policy. It is the purpose of this subdivision to provide a means for cooperative school districts now existing or hereafter formed to meet the constitutional mandate of one-man one-vote as annunciated by the United States supreme court. It is the intention of the legislature to provide flexibility to the cooperative school district in meeting the requirements of the one-man one-vote doctrine within the limitations of this chapter.

195:20 Proportional Representation. Any cooperative school district organized under any of the provisions of this chapter or pursuant to any special act may at any regular or special meeting vote to change the number, composition, method of selection, and terms of office of members on the board of the district, provided that in no event shall the board exceed fifteen members nor terms exceed three years; and may change the apportionment of the board in relation to the pre-existing school districts in accordance with the provisions of RSA 195:21.

195:21 Composition of Cooperative School Boards. The number, composition, method of selection, and terms of members of cooperative school boards shall be as provided in the by-laws or articles of agreement of the cooperative school district, as the case may be; provided, however, that such by-laws and articles of agreements shall be limited to the alternatives contained herein where applicable; and provided further that no cooperative school district in existence on the effective date of this section shall be required to conform hereto unless it is so voted pursuant to RSA 195:20:

I. All members of the cooperative school board shall be elected "at large;" or

II. The cooperative school district shall be divided into single board member districts according to population with as nearly equal population in each district as possible; or

III. The cooperative school district shall be divided into multi-board member districts or a combination of single member or multimember districts so that proportion representation will be most nearly achieved; or

IV. The members of the cooperative school board shall each reside in and represent a pre-existing district with each pre-existing district having at least one such resident representative but all members of the cooperative school board shall be elected "at large;" or

V. Such other method of selection of cooperative school board members compatible with proportional representation, one-man one-vote principle as may be approved by the state board of education.

VI. The terms of the members of the cooperative school board shall be as provided in the by-laws or articles of agreement provided that in no case shall such terms exceed three years.

VII. Whenever the by-laws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the non-partisan ballot system under RSA 59.

195:22 Method of Proposal. A plan for reapportionment, including the terms of office of members to be elected pursuant thereto, as provided for by RSA 195:20 and 21:

I. May be submitted to the voters by the school board at any regular meeting of the district, and

II. Shall be submitted to the voters on petition, which shall include the proposed plan, to the school board, signed by no less than ten percent of the qualified voters in a cooperative district at the next regular meeting or at a special meeting of the district if requested in the petition.

195:23 Tenure of Existing Board Members. If a reapportionment of a board is adopted pursuant to this subdivision the term of each and every board member under the prior apportionment shall terminate at the next meeting for the election of board members at which time a completely new board shall be elected pursuant to the reapportionment of the board.

2 Cooperative School Districts Organized Prior to 1963. Amend RSA 195:4, II as amended by 1961, 44:1 206:2, and 1963, 258:2 by striking out said paragraph and inserting in place thereof the following: II. Election of Officers. Every cooperative school district organized prior to July 1, 1963, may continue to elect the members of its cooperative school board in the same manner and for the same terms as were provided by law immediately prior to the effective date of this act. Every such school district may, in accordance with the provisions of RSA 195:19 through 23 inclusive, adopt a by-law to specify the number, composition, method of selection, and terms of office of its cooperative school board: provided that its cooperative school board shall consist of an odd number of members, not more than fifteen for terms not exceeding three years.

3 Budget Committee. Amend RSA 195:12-a, I (supp) as inserted by 1961, 206-6 and amended by 1963, 258:10 and 1967,

136:1 by striking out in lines eight and nine the words "with at least one member from each pre-existing district" so that said paragraph as amended shall read as follows: I. BUDGET COMMITTEE. A cooperative school district at an annual meeting, under a proper article in the warrant, may vote to establish a budget committee and may rescind such action in a like manner. The budget committee shall have the same number of members as the cooperative district school board plus one additional member from the school board as hereinafter provided in this paragraph. The terms of office and manner of election of members shall be determined in the same manner as for the cooperative school board. Whenever it is voted to establish a budget committee, the moderator in the first instance shall appoint the member thereof except for the additional member appointed from the school board within fifteen days of the vote establishing the committee. The members appointed by the moderator shall serve until the next annual meeting when the meeting shall elect their successors. No member of the cooperative school board shall be appointed or elected to the budget committee except that the chairman of the cooperative school board shall appoint a member of the board to serve on the budget committee with all the powers and duties of any other member of the committee. After appointment or election the budget committee shall promptly organize and choose a chairman, vice chairman, and secretary. The secretary shall keep records of the proceedings of the budget committee, which shall be public records open to public inspection. Vacancies on the budget committee shall be filled by appointment of the moderator within five days after the vacancy is called to his attention, or by the chairman of the cooperative school board if the vacancy is called to his attention, or by the chairman of the cooperative school board if the vacancy is of the member appointed from the school board, within the same time limit.

Annexation of Territory. Amend RSA 195:16, I (b) as amended by 1963, 258:12 by striking out said subparagraph and inserting in place thereof the following: (b) the number, composition, method of selection and terms of office of its cooperative school board, all in accordance with the provisions of RSA 195:19 through 23 inclusive, that its cooperative school board shall consist of an odd number of members not more than fifteen for terms not exceeding three years.

5 Meeting After Annexation. Amend RSA 195:16, III-a (supp) as inserted by 1969, 70:1 by striking out in lines seven and eight the words "the election of a school board member or members from the annexed school district" and inserting in place thereof the words (the selection of such school board members as may be necessary as a result of the annexation) so that said paragraph as amended shall read as follows: III-a. Within sixty days after the board has issued its certificate of the lawful annexation of such pre-existing school district to the cooperative school district, the board shall fix a time and place for a special meeting of the qualified voters within the districts, and shall prepare the warrant for the meeting after consultation with school boards of the pre-existing school district and cooperative school district. The warrant shall include articles for the selection of such school board members as may be necessary as a result of the annexation and other items of business that require action under the terms of the articles of annexation. The warrant shall be under the hand of the commissioner, in the name of the board, and the commissioner shall cause attested copies of same to be posted at least fourteen days before the meeting in three public places in each district and a copy of the same to be published at least one week before the date of the meeting in some newspaper generally circulated within the cooperative school district. The expense of posting and publishing the warrant shall be paid by the state. The agent or agents of the commissioner who post and cause publication of the warrant shall make a return thereof, which, with the warrant, shall be made a part of the district records. The meeting shall be called to order by the moderator of the cooperative school district. This meeting shall have the same power and authority as an annual meeting with reference to the raising or appropriating of money. At this meeting and at all future special and annual meetings, qualified voters of the annexed district are eligible for participation in all matters of the cooperative school district.

6 New Cooperative Districts. Amend RSA 195:18, III (b) as inserted by 1963, 258:1 by striking out said paragraph and inserting in place thereof the following: (b) The number, composition, method of selection and terms of office of its cooperative school board, all in accordance with the provisions of RSA 195:19 through 23 inclusive, provided that the cooper-

ative school board shall consist of an odd number of members not more than fifteen for terms not exceeding three years.

7 Organizational Meeting. Amend RSA 195:18, VIII as inserted by 1963, 258:1 by striking out in line five the word "election" and inserting in place thereof the word (selection) so that said paragraph as amended shall read as follows: VIII. The board shall fix a time and place for a special meeting of qualified voters within the cooperative school district for the purpose of organization and shall prepare the warrant for the meeting after consultation with the cooperative school district planning board. The warrant shall include articles for the selection of a school board and other necessary officers, the appropriation of money for the operation of the district, and any other items of business that require action at the organization meeting. The warrant shall be under the hand of the commissioner, in the name of the board, and the commissioner shall cause attested copies of same to be posted at least fourteen days before the meeting in three public places in each pre-existing district and a copy of the same to be published at least one week before the date of the meeting in some newspaper generally circulated within the cooperative school district. The expense of posting and publishing the warrant shall be paid by the state. The agent or agents of the commissioner who post and cause publication of the warrant shall make a return thereof, which, with the warrant, shall be made a part of the district records. The organization meeting shall have the same power and authority as an annual meeting with reference to the raising or appropriating of money.

8 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

## HB 717

authorizing New Hampshire College to confer academic degrees and honorary degrees. Ought to pass with amendment. Rep. Dunham for Education.

Self-explanatory. Amendment date June 1, 1973 does not give authority to grant master of business administration until after June 1, 1973.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Authorization to Confer Degrees. Amend Laws of 1963, 428:1, as amended by Laws of 1969, 579:1, by striking out said section and inserting in place thereof the following: 428:1 Authority Granted. New Hampshire College, a voluntary corporation organized pursuant to the provisions of RSA 292, a successor corporation to N. H. College of Accounting & Commerce, Inc. and N. H. College of Accounting & Commerce, is hereby authorized to confer upon the graduates therefrom the following degrees: Associate in Science, Bachelor of Science, and Master of Business Administration, and to give customary honorary recognition to outstanding individuals for noteworthy achievement. The granting of the master of business administration shall be subject to approval by the coordinating board of advanced education and accreditation and shall be not before June 1, 1973.

Amendment adopted.

Ordered to third reading.

**HB 750**

relative to the financing of elementary and secondary education. Inexpedient to legislate. Rep. Abbott for Education.

Although this bill has a laudable purpose there are many defects in draftsmanship. It lacks a formula. The cost under present circumstances would be completely prohibitive.

Resolution adopted.

**HB 644**

defining earnable compensation in the state employees retirement systems. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

This bill requires an actuary's statement under the House Rules. No statement had been obtained by the mandatory reporting date of April 22.

Resolution adopted.

**HB 653**

making retirement of police officers optional after twenty years of service. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

We have already liberalized retirement for police by taking the 50 year age requirement off. Committee felt that a possible retirement at 41 years of age was a bit too much.

Resolution adopted.

**HB 687**

relating to the calculation of annual and sick leave of state employees. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Subject covered by other legislation in committee and in appropriations.

Resolution adopted.

**HB 707**

relative to line of duty injuries of fish and game personnel. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

A bill covering all state employees is in appropriations.

Resolution adopted.

**HB 105**

clarifying the commitment of juveniles. Ought to pass with amendment. Rep. David Bradley for Judiciary.

Provides that all commitments to the industrial school shall be of indeterminate length except for 30-day custody period pending final disposition. Present system of fixed length commitments are incompatible with remedial program of the school.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Disposition of Delinquents. Amend RSA 169:14 (supp) as amended by 1965, 256:3 and 1969, 348:4 by striking out said section and inserting in place thereof the following: 169:14 Disposition of Delinquents; Probation; Institution Care. When a delinquent child as defined by RSA 169:2, II (a) is found to be delinquent before his or her seventeenth birthday, and also when a delinquent child as defined by RSA 169:2, II (b) is found to be delinquent before his or her eighteenth birth-

day, the court may commit the child to the industrial school or continue the case with such orders as to care, custody, and probation as justice and the welfare of the child require. When a delinquent child as defined by RSA 169:2, II (a) is found to be delinquent after his or her seventeenth birthday or having been previously committed to the industrial school reaches his or her seventeenth birthday and also when a delinquent child as defined by RSA 169:2, II (b) is found to be delinquent after his or her eighteenth birthday or having been previously committed to the industrial school reaches his or her eighteenth birthday, the court may commit such child either to the house of correction, jail, or state prison, for all or any part of the term of his minority or to the industrial school. All commitments to the industrial school hereunder shall be for the term of the child's minority. A summary of the probation officer's investigation shall accompany each commitment. All records pertaining to cases of delinquency shall be kept at all times so that no one, except by court order, other than officers of the institution where the child is committed, duly accredited probation officers and others entrusted with the corrective treatment of said child, shall have access to such records, or any officer or employee or person entrusted with the use of the same for corrective purposes, or anyone else, who publishes or broadcasts or permits the publication or broadcast of such records or parts of the same, except by court order, shall be in contempt of court. This prohibition shall not be construed to prevent publication as provided in RSA 169:27.

2 Sentence to Industrial School. Amend RSA 621:11 (supp) as amended by 1957, 71:1, 1963, 213:1, 1965, 257:7, and 1969, 240:1 by striking out in lines three and four the words "a term not exceeding the term of imprisonment provided for said offense" and inserting in place thereof the words (the term of his minority, except where said minor is found guilty by the superior court under the provisions of RSA 169:21) so that said section as amended shall read as follows: 621:11 Minors Under Seventeen. Whenever a minor under the age of seventeen years shall be convicted of an offense punishable by imprisonment he may be sentenced to the industrial school for the term of his minority, except where said minor is found guilty by the superior court under the provisions of RSA 169:21; provided that nothing shall prevent such sentence being

suspended under the provisions of any other law. Pending final disposition of a case by a municipal or district court the minor may be retained in the custody of the person in charge of the minor, or in the custody of a probation officer, provided however, that if the court places such minor in the custody of the industrial school, final disposition of his case shall be made within thirty days of such commitment and provided further, that where the minor has committed a felony, the municipal or district court may commit said minor to the custody of the probation officer or require that sureties be furnished for his appearance before the superior court, or in default thereof be committed to the industrial school to await disposition of the case by said superior court.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. Zachos, having voted with the majority, moved that the House reconsider its action in ordering to third reading HB 105, clarifying the commitment of juveniles, and spoke in favor of the motion.

Adopted.

Rep. James O'Neil moved that HB 105 be laid on the table.

Adopted.

### HB 487

establishing the Rye district court. Inexpedient to legislate. Rep. David Bradley for Judiciary.

Resolution adopted.

### HB 595

relative to the percentage disposition of fines received by municipal court. Refer to Judicial Council. Rep. Andrews for Judiciary.

Would change drastically the percentages of fines forwarded to the state from district and municipal courts. The bill

has wide ramifications which should be carefully studied before changes are made.

Resolution adopted.

**HB 659**

increasing the penalties for certain motor vehicle violations. Inexpedient to legislate. Rep. Palmer for Judiciary.

The subject matter is covered by two bills already sent to the Administrative Committee of the District and Municipal Courts.

Resolution adopted.

**HB 663**

adopting the uniform act on paternity. Ought to pass. Rep. Brungot for Judiciary.

Present law is old, inadequate and mixes criminal and civil actions. This bill does away with criminal concept. Judicial Council studied the problem and recommends approval of this bill.

Ordered to third reading.

**HB 680**

requiring pay for police witnesses. Inexpedient to legislate. Rep. Andrews for Judiciary.

Sponsor agrees that problem can be taken care of without legislation by the local communities.

Resolution adopted.

**HCR 15**

memorializing Congress to provide two hundred dollar monthly minimum social security benefits. Ought to pass. Rep. Doris Thompson for Labor, Human Resources and Rehabilitation.

Committee felt that one of New Hampshire's main problems was insufficient income for the elderly and *any* increase in social security payments would be helpful.

HCR 15 adopted.

**HB 666**

permitting eighteen year olds to entertain in lounges and dining rooms. Ought to pass with amendment. Rep. Peter Cote for Liquor Laws.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 640**

establishing a line item budget for the city of Manchester. Ought to pass. Rep. Burke for Manchester Delegation.

Ordered to third reading.

**HB 401**

prohibiting amendments to the zoning laws where adequate notice thereof has been given. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Resolution adopted.

**SB 38**

authorizing town by-laws on snow removal. Ought to pass. Rep. Gaffney for Municipal and County Government.

Ordered to third reading.

**HB 718**

to amend the conditions of an appropriation for Dillant-Hopkins Airport, Keene. Ought to pass. Rep. Charles Cummings for Public Works.

Referred to Appropriations.

**HB 357**

establishing an advisory committee for the continuing overview of operations of and in state parks and making an appropriation therefor. Ought to pass with amendment. Rep. Clafin for Resources, Recreation and Development.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

establishing an advisory committee for the continuing overview of operations of and in state parks.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. There is hereby established an advisory committee of seven members for continuing overview of state park operations to be composed of two senators appointed by the president of the senate, one each from the senate finance committee and the senate recreation and development committee, and five representatives appointed by the speaker, two from the house appropriations committee and three from the house resources, recreation and development committee. Vacancies prior to the next regular session of the general court shall be filled by the appropriate presiding officer and from the same committee from which the vacating member was appointed.

2 Meetings, Chairman. The advisory committee shall elect a chairman and shall meet at his call; provided, however, that the committee shall meet at least quarterly to hear comments and complaints of citizens to the operation of state parks.

3 Function, Duties. It shall be the function of the advisory committee to:

I. Relay to the director of the division of parks, department of resources and economic development, summaries of complaints and comments of the public relative to state park operations; and

II. Prepare and submit biennially to the general court a report of the committee's activities and findings on park administration and operation together with suggestions for or drafts of proposed legislation relating to state parks or the division of parks, department of resources and economic development.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

**HB 588**

to correct a typographical error in the Revised Statutes Annotated. Ought to pass. Rep. Forcier for Statutory Revision.

Ordered to third reading.

**HB 673**

relative to the verification of check-lists every three years. Inexpedient to legislate. Rep. Adams for Statutory Revision.

Subject matter covered by HB 242.

Resolution adopted.

**HB 682**

to amend the charter of St. Paul's School. Ought to pass. Rep. Glavin for Statutory Revision.

Increase trustees to not less than fifteen and no more than twenty.

Ordered to third reading.

**HB 706**

changing part of the boundary line between the towns of Deering and Hillsboro. Ought to pass. Rep. Howard Humphrey for Statutory Revision.

To change boundary line by consent of the Selectmen of both towns.

Ordered to third reading.

**HB 657**

requiring snow treaded tires between December first and March thirty-first on motor vehicles registered in this state. Inexpedient to legislate. Rep. Hamel for Transportation.

This bill as written would not be practical. The whole problem needs further study.

Resolution adopted.

**HB 153**

relative to horse and dog racing. Ought to pass with amendment. Rep. Reddy for Ways and Means.

This bill as amended adds two members to the present racing commission, which will license and administer dog racing in New Hampshire. This is not presented primarily as a revenue measure, but does give citizens a choice in type of recreation.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to horse and dog racing and  
making an appropriation therefor.

Amend section 11 of the bill by striking out said section and inserting in place thereof the following:

11 Pari-Mutuel Pools. Amend RSA 284:22 by inserting after paragraph III the following new paragraph: IV. Commissions on such pools at tracks or race meets conducting a dog meet shall be uniform throughout the state at the rate of sixteen percent of each dollar wagered, plus the odd cents of all redistribution to be based upon each dollar wagered exceeding a sum equal to the next lower multiple of ten, known as "breakage," one half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the five percent tax hereinafter prescribed.

Amend the bill by striking out section 14 and renumbering sections 15 through 19 to read 14 15 16 17 and 18 respectively.

Amend the bill by striking out the newly numbered section 18 and inserting in place thereof the following:

18 Membership of Racing Commission Increased. Amend RSA 284:6 by striking out said section and inserting in place thereof the following: 284:6 Established. There shall be a state racing commission consisting of five members appointed by the governor with the advice and consent of the council. Not more than three members shall belong to the same political party. Each shall hold office for a term of three years and until his successor has been appointed and qualified. Any vacancy shall be filled for the unexpired term. One member shall be appointed as chairman and one as secretary. No member shall have any pecuniary interest in any racing or in the sale of pari-mutuel pools licensed hereunder.

19 Initial Appointment of New Members; Continuation

of Incumbent Members of Commission. The initial term of office of one of the new members of the racing commission provided for by this act shall end on November 9, 1972 and of the second new member on November 9, 1973. This act shall not affect the terms of office of any of the incumbent members of the racing commission on the effective date of this act or the term or conditions for the appointment of a successor to any such incumbent.

20 Payments to Towns and Special Fund. Amend RSA 284:23, IV as amended by 1955, 74:2 by striking out said paragraph and inserting in place thereof the following new paragraphs:

IV. Each person, association or corporation licensed to conduct a horse race or horse race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located the sum of three hundred dollars for each day of racing, provided said person, association or corporation has a license to conduct horse races or horse race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct horse races or horse race meets for eight days or less, the said per diem fee shall be determined by the commission.

V. Each person, association or corporation licensed to conduct a dog race or dog race meet shall pay to the state treasurer one percent of each dollar wagered in pari-mutuel pools on each day of racing, within seven days of the day on which any race is held, provided said person, association or corporation has a license to conduct dog races or dog race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct dog races or dog race meets for eight days or less, a per diem fee in lieu of said one percent shall be determined by the commission. The state treasurer shall pay one fifth of the one percent or per diem fees so received to the respective town in which the racing plant is located which has paid the said percentage or fee. The remaining four fifths of the one percent and per diem fees shall constitute the special benefit fund established by RSA 284:41.

21 Special Benefit Fund and Commission. Amend RSA 284 by inserting after section 40 the following new subdivision:

## Special Benefit Fund and Committee

284:41 Special Benefit Fund. There is hereby established a special fund to be known as the special benefit fund. The state treasurer shall keep a separate fund to which shall be credited the funds provided by RSA 284:23, V and said funds shall be by him deposited in savings bank accounts in this state and the interest thereby earned shall become a part of said fund.

284:42 Committee Established. There is hereby established the special benefit fund committee, which shall consist of seven members, all of whom shall be residents of the state, who shall be appointed as follows and after the initial appointments shall be appointed for a term of seven years or until his successor is appointed and qualified:

I. Three by the governor with the approval of the council, of the initial appointments one shall be for a term of one year, one for a term of four years, and one for a term of seven years;

II. Two by the president of the senate, of the initial appointments one shall be for a term of two years and one for a term of five years;

III. Two by the speaker of the house, of the initial appointments one shall be for a term of three years and one for a term of six years;

IV. Vacancies shall be filled in the same manner as provided above for the unexpired term of the member whose position becomes vacant.

284:43 Organization, Compensation, Assistants. The committee shall annually elect a chairman and a secretary from the members. Members shall serve without compensation. The racing commission shall provide clerical assistance to the committee when requested.

I. The committee shall have the authority and duty to expend the special benefit fund established by RSA 284:41, at its sole discretion, in the following manner and for the following purposes:

(a) One quarter thereof to the towns and cities where dog races or dog racing meets are conducted for the improvement and maintenance of:

- (1) Roads;
- (2) Fire departments; and
- (3) Other municipal services;

(b) One quarter thereof to encourage the breeding of racing dogs in the state;

(c) One quarter thereof to provide recreation for the youth of the state; and

(d) One quarter thereof to charities in this state selected by the committee.

II. No expenditure shall be made from said special fund prior to July 1, 1973.

III. The special fund established by RSA 284:41 is hereby appropriated for the purposes and in the manner provided for by this section.

22 Salaries. Amend RSA 94:1-a (supp) as amended, by striking out the line reading "Racing commissioners (3) 3,120" and inserting in place thereof the following: (Racing commissioner 3,120).

23 Appropriation. There is hereby appropriated to the racing commission, in addition to any other sums appropriated to it, for the compensation of the two additional members thereof and the additional clerical personnel needed for the work of the special benefit fund committee established by RSA 284:42 the sum of twenty thousand dollars for the biennium ending June 30, 1973. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

24 Effective Date. This act shall take effect sixty days after its passage.

Rep. Fleming moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Reddy, Gay, Raiche, Saggiotes, Shirley Clark and Belair spoke against the motion.

(discussion)

Reps. Scamman, Coutermarsh, James O'Neil, Malcolm

Stevenson, Sweeney, Halverson and Van Gardner spoke in favor of the motion.

Rep. Dion moved the previous question and it was sufficiently seconded.

Adopted.

Rep. McLane requested the yeas and nays; sufficiently seconded by five members.

### ROLL CALL

YEAS: 171      NAYS: 182

### YEAS

#### MERRIMACK COUNTY:

Enright, Bartlett, Avery, Kopperl, Burleigh, Piper, Greeley, Mattice, Humphrey, James A., York, Edward H., Davis, Alice, Haller, Cheney, Charles H., McLane, Filides, Underwood, Sanders, Wilson, Ralph W., Glavin, Howard, C. Edwin.

#### ROCKINGHAM COUNTY:

Wilson, Helen F., Griffin, Margaret A., Soule, Lovell, Gelt, Morrison, Smith, Philip A., Clark, Ernest D., Palmer, Spollett, Cummings, Charles E., Goodrich, Vey, Sewall, Twardus, Scamman, Eastman, Hamel, Randall, Cheney, George L., Fiske, Leavitt, Hammond, Weeks, Keefe, McEachern, Chandler, Griffin, Ruth L., Quirk, Bowles.

#### STRAFFORD COUNTY:

Canney, Habel, Towle, Ineson, Thompson, Barbara C., Beaudoin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Leighton, Bernard, Mudgett, Young, DeWolfe, Parnagian, Richardson, Harriett W. B., Maglaras.

#### SULLIVAN COUNTY:

Townsend, Gaffney, Rousseau, Nahil, Spaulding, Roma A., Flint, Frizzell, Galbraith, Fleming, Williamson.

#### BELKNAP COUNTY:

Lawton, Wilkinson, Nighswander, Wuelper, Mutzbauer, Head, Randlett, Whittemore.

## CARROLL COUNTY:

Howard, Donald K., Cox, Lagroe, Davis, Dorothy W., Chase, Russell C.

## CHESHIRE COUNTY:

Ballam, Trowbridge, Allen, Bennett, Halvorson, Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Heald, Cleon E., Cummings, Richard E.

## COOS COUNTY:

Burns, Oleson, Dubey, Fortier, Roy, Desilets, Studd, York, Elmer H., Bouchard, Gagnon, Richardson, Mabel L.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., McGee, Mann, Ezra B., Anderson, Bradley, David H., Nutt, Gemmill, Merrill, Bell, Sears, Bradley, Richard L., Mitchell.

## HILLSBOROUGH COUNTY:

Sawyer, Barnard, Knight, Daloz, Mann, Arthur F., Heald, Philip C., Brocklebank, Bouchard, Maurice L., Cote, Margaret S., Grandmaison, Coutermarsh, Peabody, Arthur H., Harvell, VanLoan, Abbott, Ainley, Daniels, Milne, Ackerson, Montplaisir, Murphy, Francis, Dion, Cullity, McDermott, Welch, John L., Manning, Spirou, Walsh, Boisvert, Emile E., Leclerc, Simard, Chevrette, Lemieux, Lynch, Doris T., O'Connor, James P., Sweeney, Lamy, Murphy, Dennis J., Brunelle, Grady, Vachon.

## NAYS

## MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Hardy, Parker, Harry C., Reddy, Hanson, Riley, Gamache, Gordon, Little, Dempsey, Chapley, Michels, Cate, Miner, Howland, MacDonald, Fuller, Woodward, Noble, Welch, Shirley B., Tarr.

## ROCKINGHAM COUNTY:

Boucher, Adams, Gay, Belair, O'Neil, Robert E., White,

Schwaner, Collishaw, Varril, Casassa, Cunningham, Maynard, Dame, Palfrey, Jameson, Levy, Woods, Croft.

STRAFFORD COUNTY:

McIntire, Smith, Elmer C., Clark, Shirley M., Cochrane, Joncas, Maloomian, Chasse, Hebert, Boire, Dumais, Peabody, Raymond B., Webber, Fellows, Kinney.

SULLIVAN COUNTY:

Chase, Donald R., Campbell, Barrows, D'Amante, Downing, Saggiotes.

BELKNAP COUNTY:

Urie, French, Roberts, Charles B., Roberts, George B., Hood, Drouin, Prescott, Dulac, Maguire.

CARROLL COUNTY:

Hayes, Conley, Webster, Hughes.

CHESHIRE COUNTY:

Johnson, Edward A., Churchill, Forbes, Yardley, Cournoyer, Forcier, McGinness, Johnson, Elmer L., Coughlin, Saunders, Streeter, Shortlidge, Moran, Barker, Drew.

COOS COUNTY:

Cook, Huggins, Noyes, Bushey, Hunt, Drake, Lee, O'Hara, Brungot, McCuin, Oswell, Theriault.

GRAFTON COUNTY:

Tilton, Higgins, Brummer, Chamberlin, LaMott, Menge, Radway, Dow, Foster, Duhaime, Roger M., Tremblay, Altman, Blain, Hopkins, Buckman.

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Monier, Poehlman, Weillbrenner, Murray, Karnis, Eaton, Clyde S., Warren, Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Hall, Belzil, Parker, Gerry F., Record, Belcourt, Le-

sage, Trombley, Drabinowicz, Mason, Desmarais, Gardner, Cleon J., Lachance, Chamard, O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Davidson, Ouellette, Sirois, Bissonnette, Gabriel, Alukonis, Keeney, Rodgers, Cares, Dwyer, Lyons, Bridges, Bourassa, Bruton, Cote, Joseph L., Barrett, William F., Clancy, Healy, Lynch, John T., McDonough, Sysyn, Champagne, Derome, Raiche, St. Onge, Robinson, Belanger, Clear, Levasseur, Martineau, Allard, Lambert, Lavallee, Burke, O'Connor, Timothy K.

Rep. Benton abstained under Rule 16.

Rep. Peter R. Cote abstained under Rule 16.

Rep. Bednar abstained under Rule 16.

### PAIRS

Rep. Perkins voting yes; Rep. Colburn voting no.

Rep. MacGregor voting yes; Rep. Read voting no.

Rep. Senter voting yes; Rep. Junkins voting no.

Rep. Kidder voting yes; Rep. Langley voting no.

Rep. Stevenson, Douglas M. voting yes; Rep. Tirrell voting no.

Rep. Ruel voting yes; Rep. Burrows voting no.

Rep. Claflin voting yes; Rep. Mayhew voting no.

and the motion lost.

Question being on the adoption of the committee report, ought to pass with amendment.

Adopted.

Rep. Malcolm Stevenson offered an amendment.

The Clerk read the amendment in full.

Rep. Stevenson explained his amendment.

(discussion)

Rep. Reddy spoke against the Stevenson amendment.

Rep. Coutermarsh spoke in favor of the Stevenson amendment.

Rep. Stevenson withdrew his amendment.

Referred to Appropriations.

### RECONSIDERATION

Rep. Gay, having voted with the majority, moved that the House reconsider its action in adopting the committee amendment and further reconsider its action in referring HB 153 to Appropriations, and spoke against the motion.

Motion lost.

### RECESS

#### AFTER RECESS

#### SENATE MESSAGE

#### INTRODUCTION OF SBs

First, second reading & referral

SB 27, to provide procedures for the prevention and clean-up of oil spillage in public waters. Environmental Quality and Agriculture

SB 21, providing that school districts may include in borrowing the cost of planning for construction and the amount and purposes of annual grants to school districts. Education

SB 74, authorizing free hunting licenses to owners of one hundred or more acres of land who permit hunting thereon. Fish and Game

SB 92, authorizing law enforcement officers to require weighing of motor vehicles. Transportation

SB 104, providing standards for the marketing of maple syrup and authorizing the commissioner of agriculture to enforce these standards. Environmental Quality and Agriculture

SB 152, providing standards for registration displays on snow traveling vehicles. Transportation

### VACATE

Rep. McLane moved to vacate reference of HB 874, authorizing the register of probate to give "notice" to beneficiaries, from the committee on Ways and Means and refer to the committee on Judiciary.

Adopted.

Rep. Macdonald offered the following:

### HOUSE RESOLUTION

*Whereas*, the House on April 21, 1971 adopted a resolution requesting an opinion of the Justices of the Supreme Court relative to the constitutionality of House Bill No. 557, an act requiring the speaker of the house of representatives to be elected by a roll call vote, and

*Whereas*, there are additional important questions of law relative to the subject matter of said House Bill No. 557 on which the House would like the opinion of the Justices of the Supreme Court, now therefore be it

*Resolved*, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Does the word "question" as used in Article 24, Part 2 of the Constitution of New Hampshire encompass the election by the House of its speaker?

2. Does the provision of Article 8, Part 1 of the Constitution of New Hampshire providing that magistrates and officers of government are "at all times accountable to them (the people)" require that the election of the speaker of the House be by a recorded vote so that the people will know for what candidate each representative voted?

*Be it further resolved*, that the Speaker transmit seven copies of this resolution to the Clerk of the Supreme Court for consideration by said court.

The Clerk read the Resolution in full.

Adopted.

### COMMITTEE REPORTS CONTINUED

#### HB 771

raising the classification of liquor investigator and making an appropriation therefor. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

This is another special interest bill. Problem is salaries for liquor investigators, as it is for *all* state employees. Com-

mittee is not qualified to make changes in a state classification system. This is a function of the department of personnel. Allowing one group to have its classification by statute would only mean every group, feeling it was not paid enough, would put in special legislation.

Rep. Fleming moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

He subsequently withdrew his motion.

Resolution adopted.

### **HJR 42**

relative to retirement credit for Thomas A. Bolton. Inexpedient to legislate. Rep. Hood for Claims, Military and Veterans Affairs.

Committee is opposed to reinstatement to the retirement system with credit for previous service to anyone who returns to state employment having left voluntarily for other employment.

Rep. Philip Smith moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate and spoke in favor of his motion.

Rep. Hood and Greenwood spoke against the motion.

Motion lost.

Resolution adopted.

### **HB 631**

providing that a portion of hunting license revenue shall be used for stocking small game. Ought to pass. Rep. Maynard for Fish and Game.

Provides a portion of hunting license revenue will be used for stocking small game.

On request of Rep. Elmer Johnson, Rep. Hayes explained the bill.

Referred to Appropriations.

### **HB 536**

relative to the taking of land for state park facilities in the

town of Rye. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Rep. James O'Neil moved that HB 536 be made a special order for 11:01 tomorrow and spoke in favor of his motion.

Adopted.

#### **HB 611**

providing for capital improvements by providing for construction and operation of a state liquor store and a gas station on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. Inexpedient to legislate. Rep. Spollett for Public Works.

Rep. James O'Neil moved that HB 611 be made a special order for 11:02 tomorrow and spoke in favor of his motion.

Adopted.

Rep. Zachos requested a six day extension on HB 507, establishing a Hooksett District Court.

Granted.

Rep. Hanson requested a six day extension on HB 506, changing part of the boundary line between the towns of Bartlett and Hart's Location.

Granted.

Rep. Zachos moved that the rules of the House be so far suspended as to exempt HB 770, to improve eminent domain procedure and making an appropriation therefor, from the deadline imposed by Rule 58, and spoke in favor of his motion.

Reps. James O'Neil and Vachon spoke in favor of the motion.

Adopted by the necessary two-thirds vote.

Rep. Claflin moved that the rules of the House be so far suspended so as to exempt HB 210, relative to establishing a state housing authority and a state housing finance agency and making an appropriation therefor, from the deadline imposed by Rule 58, and spoke in favor of his motion.

Adopted by the necessary two-thirds vote.

#### **HB 732**

relative to the examination, certification and regulation of

arborists. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration

Received this bill on April 20. It had to be out of committee by April 22 which left little time for notification of interested people. Bill does need amendment but since it has to go to Appropriations, committee felt amendments could be offered there.

Rep. Gordon moved that HB 732 be indefinitely postponed and spoke in favor of his motion.

Reps. Richard Bradley, Oleson and Hardy spoke in favor of the motion.

Reps. Cunningham and Shirley Clark spoke against the motion.

On request of Rep. Raiche, Rep. Shirley Clark answered question.

Motion adopted.

### **HB 512**

relative to conservation officers and their pay schedule. Ought to pass. Rep. Hayes for Fish and game.

Establishes a five day work week for conservation officers consistent with other state employees.

Referred to Appropriations.

### **SB 16**

relative to the establishment of the position and salary of the associate justices of the Nashua district court. Ought to pass with amendments. (Senate amendment, SJ March 17, 1971.) Rep. Record for Judiciary.

The suggested bill as amended provides for a second full time judge and a second full time clerk for the Nashua District Court, effective January 1, 1972.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to the establishment of the position and salary of  
the associate justice and deputy clerk of the  
Nashua district court.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Associate Justice. Amend RSA 502-A:3-a (supp) as inserted by 1969, 124:1 by inserting in line two after the word "Court" the words, (and the Nashua District Court) so that said section as amended shall read as follows: 502-A:3-a Associate Justice, Manchester and Nashua District Courts. The Manchester District Court and the Nashua District Court in addition to the justice shall have a full-time associate justice appointed and commissioned by the governor, with advice and consent of the council, as prescribed by the constitution who shall have the same qualifications and powers as prescribed for the justice.

2 Salary, Associate Justice. Amend RSA 502-A:6, I-a (supp) as inserted by 1970, 124:2 by inserting in line one after the word "court" the words, (and the Nashua District Court) so that said paragraph as amended shall read as follows: 502-A:6, I-a Salary of Associate Justice, Manchester and Nashua District Courts. The annual salary of the associate justice of the Manchester district court and the Nashua district court shall be an amount one thousand dollars less than the amount paid the justice as provided in paragraph I.

3 Deputy Clerk. Amend RSA 502-A:7-a (supp) as inserted by 1969, 124:2 by inserting in line two after the word "Court" the words (and the Nashua District Court) so that said section as amended shall read as follows: 502-A:7-a Deputy Clerk, Manchester and the Nashua District Court. The Manchester District Court and the Nashua District Court shall have a deputy clerk of court appointed by the justice thereof, who shall hold office during the pleasure of the justice appointing him. He shall have the qualifications, powers and duties as prescribed for clerks of district courts.

4 Salary of Deputy Clerk. Amend RSA 502-A:6, IV (supp) as inserted by 1969, 124:4, by inserting in line two after the word "Court" the words, (and the Nashua District Court)

so that said paragraph as amended shall read as follows: 502-A: 6, IV Salary of Deputy Clerk, Manchester and the Nashua District Court. The annual salary of the deputy clerk of the Manchester District Court and the Nashua District Court shall be in an amount equal to sixty percent of the salary paid the associate justice, as provided in paragraph 11a.

5 Effective Date. This act shall take effect January 1, Amendment adopted.

Rep. Zachos offered the following amendment.

#### AMENDMENT

Amend bill by changing the effective date from January 1, 1972 to July 1, 1972.

The Clerk read the amendment in full.

Rep. Zachos explained his amendment.

Amendment adopted.

Ordered to third reading.

#### HB 240

designating abortion as a legal medical procedure under certain conditions. Majority: Ought to pass with amendment; (Calendar Supplement 4-27-71); Minority: Inexpedient to legislate. (Reps. Belzil, Webber, Bernard, Maloomian, Mason and Sweeney) Rep. Donalda Howard for Public Health and Welfare

The minority members of the Public Health and Welfare Committee are opposed to the principles espoused in this bill from a legal and moral standpoint. We are of the opinion that the rights of an unborn fetus have been well established by the courts.

Rep. Sweeney moved that the minority report, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Reps. Donalda Howard and Daloz spoke against the motion.

(Deputy Speaker in the Chair)

Reps. Ruth Griffin, Cares and Menge spoke against the motion.

Reps. Belzil, Lawton, Brummer and Webster spoke in favor of the motion.

(discussion)

(Speaker in the Chair)

Reps. Bednar, St. Onge, Joseph Cote, Schwaner, Brungot, Buckman, Raiche and Wilfrid Boisvert spoke in favor of the motion.

Rep. Bowles spoke against the motion.

Rep. Vachon moved the previous question and it was sufficiently seconded.

Adopted.

Rep. Ruth Griffin requested the yeas and nays; sufficiently seconded by five members.

(Deputy Speaker in the Chair)

## ROLL CALL

Yeas: 199      Nays: 138

## YEAS

### ROCKINGHAM COUNTY:

Boucher, Adams, Lovell, O'Neil, Robert E., Sayer, Schwanner, Cummings, Charles E., Sewall, Twardus, Casassa, Keefe, Maynard, McEachern, Quirk, Dame, Palfrey, Woods.

### STRAFFORD COUNTY:

Smith, Elmer C., Joncas, Maloomian, Habel, Chasse, Herbert, Boire, Dumais, Ineson, Beaudoin, Sylvain, Dunlap, Preston, Tripp, Leighton, Peabody, Raymond B., Bernard, Webber, Young, Parnagian, Richardson, Harriett W. B.

### SULLIVAN COUNTY:

Gaffney, Rousseau, Nahil, Barrows, D'Amante, Downing, Saggiotes, Williamson.

## BELKNAP COUNTY:

Lawton, Wilkinson, Drouin, Huot, Head, Dulac, Maguire, Whittemore.

## CARROLL COUNTY:

Davis, Esther M., Lagroe, Webster, Claflin.

## CHESHIRE COUNTY:

Yardley, Cournoyer, Forcier, Allen, Bennett, Johnson, Elmer L., Coughlin, Mallat, Saunders, Streeter.

## COOS COUNTY:

Cook, Huggins, Bushey, Hunt, Drake, O'Hara, Dubey, Fortier, Roy, Desilets, Studd, York, Elmer H., Brungot, McGuin, Oswell, Bouchard, Gagnon, Theriault.

## GRAFTON COUNTY:

Higgins, McGee, Brummer, LaMott, Mann, Ezra B., Gemmill, Dow, Duhaime, Roger M., Tremblay, Hopkins, Buckman, Sears, Bradley, Richard L.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Barnard, Weilbrenner, Karnis, Eaton, Clyde S., Heald, Philip C., Carter, Bragdon, Belzil, Belcourt, Lesage, Trombley, Cote, Peter R., Drabinowicz, Mason, Desmarais, Gardner, Cleon J., Lachance, Chamard, Cote, Margaret S., O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Grandmaison, Davidson, Ouellette, Sirois, Bissonnette, Coutermarsh, Gabriel, Alukonis, Bednar, Keeney, Rodgers, Peabody, Arthur H., Dwyer, Lyons, Ainley, Ackerson, Bourassa, Montplaisir, Murphy, Francis, Bruton, Dion, Cullity, McDermott, Manning, Walsh, Barrett, Clancy, Healy, Lynch, John T., McDonough, Boisvert, Emile E., Leclerc, Sysyn, Simard, Champagne, Cheverette, Derome, Raiche, St. Onge, Robinson, Lynch, Doris T., O'Connor, James P., Sweeney, Clear, Lamy, Murphy, Dennis J., Levasseur, Martineau, Allard, Brunelle, Lambert, Lavallee, Burke, Grady, O'Connor, Timothy K., Vachon.

## MERRIMACK COUNTY:

Sherman, Hardy, Enright, Riley, Gamache, Gordon, Bartlett, Avery, Dempsey, Piper, Chapley, Greeley, Humphrey, James A., Haller, Howland, MacDonald, Sanders, Wilson, Ralph W., Glavin, Welch, Shirley B., Tarr.

## NAYS

## ROCKINGHAM COUNTY:

Wilson, Helen F., Griffin, Margaret A., Gelt, Smith, Philip A., White, Palmer, Spollett, Benton, Goodrich, Scamman, Collishaw, Eastman, Varrill, Hamel, Fiske, Cunningham, Leavitt, Hammond, Lockhart, Weeks, Chandler, Griffin, Ruth L., Bowles, Jameson, Levy, Croft.

## STRAFFORD COUNTY:

McIntire, Canney, Clark, Shirley M., Cochrane, Towle, Thompson, Barbara C., Balomenos, Fellows, Mudgett, DeWolfe, Kinney.

## SULLIVAN COUNTY:

Townsend, Chase, Donald R., Campbell, Spaulding, Roma A., Flint, Frizzell, Galbraith, Fleming.

## BELKNAP COUNTY:

Urie, Roberts, Charles B., Nighswander, Wuelper, Roberts, George B., Mutzbauer, Hood, Prescott, Randlett.

## CARROLL COUNTY:

Howard, Donalda K., Cox, Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Hughes.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Forbes, Trowbridge, Dunham, Hackler, Raymond, Vogel, Heald, Cleon E., Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Noyes, Mayhew, Lee, Burns, Oleson.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Tilton, Chamberlin, Menge, Bradley, David H., Nutt, Radway, Foster, Merrill, Altman, Bell, Mitchell.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Withington, Sawyer, Knight, Poehlman, Daloz, Mann, Arthur F., Murray, Warren, Coburn, Ferguson, Spalding, Kenneth W., Hall, Cobleigh, Parker, Gerry F., Record, Cares, Bridges, Harvell, VanLoan, Abbott, Daniels, Milne, Zachos, Cote, Joseph L., Spiron.

## MERRIMACK COUNTY:

Andrews, Bigelow, Parker, Harry C., Reddy, Hanson, Kopperl, Burleigh, Mattice, Cate, York, Edward H., Davis, Alice, Cheney, Charles H., McLane, Miner, Filides, Howard, C. Edwin, Woodward, Noble.

## PAIRS

Rep. Gay voting yes; Rep. Michels voting no.

Rep. MacGregor voting yes; Rep. Greene voting no.

Rep. Belair voting yes; Rep. Greenwood voting no.

Rep. Morrison voting yes; Rep. Maglaras voting no.

Rep. Ruel voting yes; Rep. Junkins voting no.

Rep. Page voting yes; Rep. Colburn voting no.

Rep. Randall voting yes; Rep. Brocklebank voting no.

Rep. Kidder voting yes; Rep. Langley voting no.

Rep. Stevenson, Douglas M., voting no; Rep. Burrows voting yes.

Rep. Tirrell voting no; Rep. Perkins voting yes.

Rep. Churchill voting yes; Rep. Ames voting no.

Rep. Richardson, Mabel L. voting yes; Rep. Underwood voting no.

Rep. Fuller voting yes; Rep. Anderson voting no.

Rep. Blain voting yes; Rep. Little voting no.

Rep. Soule abstained under Rule 16.

and the motion carried.

(Speaker in the Chair)

Rep. Lawton moved that HB 240 be indefinitely postponed.

Adopted.

Reps. Monier, George Cheney, Vey, Randall and Ernest Clark wished to be recorded as voting against HB 240, and in favor of the motion.

### RECONSIDERATION

Rep. Bednar, having voted with the majority, moved that the House reconsider its action in killing HB 240, designating abortion as a legal medical procedure under certain conditions, and spoke against the motion.

Motion lost.

### COMMITTEE REPORTS CONTINUED

#### HB 239

permitting abortion in certain cases. Inexpedient to legislate. Rep. Ruth Griffin for Public Health and Welfare.

Resolution adopted.

#### HB 252

permitting abortion under certain circumstances. Inexpedient to legislate. Rep. Ruth Griffin for Public Health and Welfare.

Resolution adopted.

Reps. George Roberts and Lemieux wished to be recorded as voting in favor of the committee report on HBs 239 and 252.

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Rep. Shirley Clark moved that the rules of the House be so far suspended as to permit the introduction of a committee report on May 5th on HB 600, relative to the administration of the revenue laws and making an appropriation therefor.

Adopted.

## ENROLLED BILLS REPORT

HB 61, relative to fish and game licenses issued by the fish and game department.

HB 83, relative to taking wild black bear.

HB 282, providing for an open season on fisher.

HB 297, relative to taking deer with single shot muzzle-loading firearms.

HB 315, providing that minors who have completed a hunter safety instruction course in another state be recognized as competent to handle firearms in this state.

Roxie A. Forbes  
For The Committee.

## RESOLUTION

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

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The Speaker announced that today is the 25th wedding anniversary of Rep. and Mrs. Richard Bradley.

## LATE SESSION

(Deputy Speaker in the Chair)

## THIRD READING AND PASSAGE BY HOUSE

SB 16, relative to the establishment of the position and salary of the associate justice and deputy clerk of the Nashua district court.

## RECONSIDERATION

Rep. Andrews, having voted with the majority, moved that the House reconsider its action in passing SB 16 and spoke against the motion.

Motion lost.

HB 640, establishing a line item budget for the city of Manchester.

### RECONSIDERATION

Rep. Vachon, having voted with the majority, moved that the House reconsider its action in passing HB 640 and spoke against the motion.

Motion lost.

HB 48, permitting the reapportionment of cooperative school boards to provide for equal representation.

HB 717, authorizing New Hampshire College to confer academic degrees and honorary degrees.

HB 666, permitting eighteen year olds to entertain in lounges and dining rooms.

HB 663, adopting the uniform act on paternity.

SB 38, authorizing town by-laws on snow removal.

HB 588, to correct a typographical error in the Revised Statutes Annotated.

HB 682, to amend the charter of St. Paul's School.

HB 706, changing part of the boundary line between the towns of Deering and Hillsboro.

HB 648, enacting an insurance holding company act.

On motion of Rep. Maynard the House adjourned at 6:36 P.M. in honor of Rep. and Mrs. Richard Bradley.

*Thursday, 29Apr71*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. James Scotland, Jr. from the Bedford Presbyterian Church of Bedford.

Almighty yet Most Gracious God, who has called us all, and particularly the members of this House, to the making of choices, move us to remember that good character is nurtured in the constant choosing of right from wrong.

Help us in this State to see that our greatest opportunity for responsible freedom lies in our homes, our schools, and our churches, where is developed that character which gives free people the power to win their liberty, and to share it. May we never forget that it is only "under God" that this State, or any State, can long live free.

In this remembrance bring us to the tasks of this day, so that in its labors we may be shown to be on the side of that faith and idealism for which all who truly love liberty have ever been ready to live or to die. And to Thy Name be all honor, and glory, and power, Amen.

Rep. Lesage led the Pledge of allegiance.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 913 through 917 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First. second reading & referral

HB 913, including paraplegics in the group of veterans not paying a fee for registration of their motor vehicles. (Conley of Carroll Dist. 4; Boucher of Rockingham Dist. 4 — To Transportation and Aeronautics.)

HB 914, including paraplegics in the group of veterans not paying a fee for a license to operate a motor vehicle. (Conley of Carroll Dist. 4; Boucher of Rockingham Dist. 4 — To Transportation and Aeronautics.)

HB 915, including surviving spouse of disabled servicemen in the class of person exempt from taxation on a homestead. (Conley of Carroll Dist. 4; Boucher of Rockingham Dist. 4 — To Municipal and County Government.)

HB 916, to prohibit a person hunting or discharging firearms while under the influence of intoxicating beverages, liquor or controlled drug. (Andrews of Merrimack Dist. 1 — To Fish and Game.)

HB 917, providing for the temporary classification of the position of assistant attorney general in certain cases. (Zachos of Hillsborough Dist. 27 — To Executive Departments and Administration.)

#### LEAVES OF ABSENCE

Rep. Menge, the day, important business.

Rep. Belzil, the day, illness.

#### SUPREME COURT DECISION

*To the House of Representatives:*

The undersigned Justices of the Supreme Court give the following answers to the questions submitted in your resolution adopted March 31, 1971 and filed in this court on April 2, 1971.

The questions all relate to reapportionment problems under both the Constitutions of the United States and this State relating to the New Hampshire House of Representatives, the State Senate, councilor districts, and congressional districts.

You ask first whether the provisions of Article 9-a, Part II of the Constitution of this State violate any of the provisions of the Constitution of the United States. Article 9-a, Part II provides as follows: "The general court shall have the power to provide by statute for making suitable adjustments to the general census of the inhabitants of the state taken by authority of the United States or of this state on account of non-residents temporarily residing in this state."

In *Burns v. Richardson*, 384 U.S. 73, 16 L. Ed. 2d 376, 86 S. Ct. 1286 (1966), the Supreme Court of the United States stated that in making apportionments "the Equal Protection Clause does not require the States to use total population figures derived from the federal census as the standard by which this substantial population equivalency is to be measured." The Court further stated that in no decision has it "suggested that the States are required to include aliens, transients, short-term or temporary residents or persons denied the vote for conviction of crime in the apportionment base. . . ." This determination however must be made by a reliable and systematic method. *Kirkpatrick v. Preisler*, 394 U.S. 526, 22 L. Ed. 2d 519, 89 S. Ct. 1225 (1969). The answer to your first question is "No."

In your second question, you first ask whether any provision of the United States or New Hampshire Constitutions would be violated if in making any of the reapportionments or districtings mentioned, the federal census figures were adjusted:

"(a) By the exclusion of persons counted as part of the population of this state in the Federal census but who are not residents of this state and are:

"(1) Military personnel stationed at a base in this state, or

"(2) Students attending a college or university in this state;"

Our answer to the questions in 2 (a) is "No," provided only those who have not met reasonable residence requirements are excluded, and a reliable and systematic method is used. We assume from your question that military personnel stationed at a base in this State or students attending a college or university in this State who have in fact become bona fide residents would not be excluded. The Supreme Court of the United States has said that "discrimination against a class of individuals, merely because of the nature of their employment without more being shown, is constitutionally impermissible." *Davis v. Mann*, 377 U.S. 678, 691, 12 L. Ed. 2d 609, 617, 84 S. Ct. 1441, 1448 (1964). In *Burns v. Richardson, supra*, the Court permitted Hawaii to use the number of registered voters as a basis of apportionment which excluded the large numbers of military personnel, tourists and others included in total population figures. While it is permissible to exclude persons not meeting reasonable residence requirements, it is not permissible

to exclude persons merely because they are military or military-related personnel. *Burns v. Richardson supra*. See also *Carrington v. Rash*, 380 U.S. 89, 13 L. Ed. 2d 675, 85 S. Ct. 775 (1965) and *Kirkpatrick v. Preisler*, 394 U.S. 526, 22 L. Ed. 2d 519, 89 S. Ct. 1225 (1969).

In your second question, you next ask whether any provision of the United States or New Hampshire Constitutions would be violated if in making any of the reapportionments or districtings mentioned, the federal census figures were adjusted:

“(b) By increasing or decreasing such figures to reflect the change estimated by the office of planning to have taken place in particular towns or wards from the date of such reapportionment or districting; or

“(c) By increasing or decreasing such figures in a particular town or city to reflect the result of an actual census taken by said town or city?”

Our answer to 2 (b) is “Yes,” our Constitution would be violated. If the office of planning were permitted to do what your question suggests, apportionment would not be based upon a “general census” so adjusted as required by our Constitution (CONST., pt. II, arts. 9 and 9-a; *Opinion of the Justices*, 106 N.H. 233, 209 A. 2d 471 (1965); *Opinion of the Justices*, 105 N.H. 125, 193 A. 2d 880 (1963)), but upon estimates made by the office of planning on the basis of changes in resident population estimated to have occurred in an individual town or ward.

For essentially the same reasons, our answer to question 2 (c) is also “Yes.” An actual census taken by an individual city or town would not be a “general census taken by the authority of the United States or of this State” and could not be used as a basis for apportionment. *Opinion of the Justices*, 106 N.H. 233, *supra*; *Opinion of the Justices*, 105 N.H. 125, *supra*.

Your third question is also in three parts and reads as follows:

“3. Would any provisions of the United States or New Hampshire Constitutions be violated if the reapportionment and districting for members of the House of Representatives provides for:

“(a) Some multi-member districts and some single member districts; or

"(b) All multi-member districts but with differing numbers in the districts; or

"(c) Districts which are composed of towns or wards in more than one county?"

We see no conflict with the Constitution of the United States in reapportionment and districting as suggested in this question provided, of course, that it meets the constitutional requirement that each person's vote is approximately equal to that of any other citizen and the districts are not so designed as to "operate to minimize or cancel out the voting strength of racial or political elements of the voting population." *Fortson v. Dorsey*, 379 U.S. 433, 439, 13 L. Ed. 2d 401, 405, 85 S. Ct. 498, 501 (1965). See also *Reynolds v. Sims*, 377 U.S. 533, 12 L. Ed. 2d 506, 84 S. Ct. 1362 (1964); *Swann v. Adams*, 385 U.S. 440, 17 L. Ed. 2d 501, 87 S. Ct. 569 (1967); *Kilgarlin v. Hill*, 386 U.S. 120, 17 L. Ed. 2d 771, 87 S. Ct. 820 (1967); *Burns v. Richardson*, 384 U.S. 73, 16 L. Ed. 2d 376, 86 S. Ct. 1286 (1966).

Nothing in the Federal Constitution prohibits multi-member districts, or a combination of multi-member and single member districts, or multi-member districts with differing numbers of members in the districts so long as the number of representatives assigned to each district is based on substantial equality of population. *Fortson v. Dorsey supra*.

Although the rules laid down by the Supreme Court of the United States might permit minor variations among the populations of various districts in order to preserve the "integrity of political sub-divisions, the maintenance of compactness and contiguity in legislative districts" (*Swann v. Adams supra*), there is no federal requirement that they be preserved. In our opinion there is no constitutional prohibition against districts being composed of towns or wards in more than one county.

Article 11, Part II of the Constitution of New Hampshire not only specifically provides for the formation of districts whenever "any town, ward, or unincorporated place . . . has less than the number of inhabitants necessary to entitle it to one representative . . ." but also provides that the districts may be so formed as to entitle each district to "one or more representatives for the entire district." This authorizes the formation of either single and multi-member districts, or all multi-mem-

ber districts, provided the requirements of article 11 are met.

Our answer to the three parts of your third question is  
"No."

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
William A. Grimes  
Robert F. Griffith

April 29, 1971.

## SENATE MESSAGE

### CONCURRENCE

HB 104, to provide life insurance for national guardsmen while on active state duty.

HJR 21, in favor of William J. Wilson of Canterbury.

HJR 26, to reimburse Reginald Pelkey for damage done to his automobile and making an appropriation therefor.

## FURTHER SENATE MESSAGE

### INTRODUCTION OF SBs

First, second reading and referral

SB 52, establishing a medical advisory board in the division of motor vehicles, department of safety, and making an appropriation therefor. Transportation.

SB 62, establishing statutory rights in lieu of dower and curtesy. Judiciary.

SB 114, increasing the penalties for reckless operation of a motor vehicle. Transportation.

SB 116, to prohibit individuals from soliciting rides or business on or in proximity to the traveled portion of a street or highway. Transportation.

SB 121, applying the coverage of the highway relocation assistance act by project number. Public Works.

FURTHER SENATE MESSAGE  
CONCURRENCE ON HB WITH SENATE  
AMENDMENT

HJR 8, relative to the retirement credit for Herbert R. Hagstrom.

(Amendment printed in SJ.)

The clerk read the amendment in full.

Rep. Greenwood moved that the House concur in the Senate amendment.

Rep. Chandler spoke against the motion.

Reps. Greenwood, Maynard and Bowles spoke in favor of the motion.

Reps. Jameson and Ruth Griffin spoke against the motion.

Rep. Levy spoke in favor of the motion.

Motion adopted.

HB 260, requiring insurance companies to pay the cost of physical examinations where the insurer requires them before extending liability coverage.

(Amendment printed in SJ.)

Rep. Bigelow moved that the House concur in the Senate amendment.

Adopted.

BILLS PLACED ON CALENDAR UNDER RULE 43

Resources, Recreation & Development

HB 622, relative to regional sewage disposal plants.  
Fish and Game

HB 629, relative to clothing worn by certain hunters.

Placed on the calendar for May 6th.

## BILLS PLACED ON CALENDAR UNDER RULE 57

## Resources, Recreation and Development

HB 579, providing for protection at the surface of persons driving in waters with the aid of mechanical apparatus.

## Executive Departments and Administration

HB 377, relative to collective bargaining rights of public employees and providing an appropriation for their implementation.

## Municipal and County Government

HB 524, relative to voting hours in small towns.

## Statutory Revision

HB 557, relative to electing the speaker of the house of representatives by roll call vote.

## Labor, Human Resources and Rehabilitation

HB 598, relative to the employment of youths.

## Liquor Laws

HB 569, relative to qualifications for the serving of liquor or beverages.

## Fish and Game

HB 583, to prohibit the use of trawls for the taking of fish from the ocean waters of New Hampshire.

HB 587, establishing limits on the season for taking wild deer.

Placed on the calendar for May 6th.

## COMMITTEE REPORTS

**HB 549**

relative to the revisions and supplements to the law enforcement manual. Ought to pass with amendment. Rep. Drake for Appropriations.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to revisions and supplements to the law enforcement manual and making an appropriation for an additional printing of the manual.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Revisions and Supplements. Amend RSA 7:6-a (supp) as inserted by 1957, 205:1 by striking out said section and inserting in place thereof the following: 7:6-a Law Enforcement Manual. Under the direction of the attorney general there shall be prepared and distributed from time to time a law enforcement manual, revisions thereof and supplements thereto. This manual shall contain interpretations of law pertaining to the duties of peace officers, law of arrest, admissibility of evidence, trial procedure and such other material as the attorney general deems necessary. This manual, revisions thereof and supplements thereto shall be for distribution to such law enforcement officials as the attorney general may determine upon the payment of such price therefor as determined by the attorney general, and in addition at no charge one copy to each member of the general court requesting the same and six copies to the office of legislative services.

2 Additional Appropriation. There is hereby appropriated for the attorney general's department for the purpose of printing copies of the 1970 edition of the law enforcement manual, in addition to any other sums appropriated for said purposes, the sum of two thousand six hundred ten dollars as follows:

Other expenditures:

Law enforcement manuals	\$2,610
Less federal funds	2,610

Net appropriation

0

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 709**

relative to the use of credit union funds. Ought to pass with amendment. Rep. Milne for Banks and Insurance.

Broadens investments of credit unions under rigid safeguards.

**AMENDMENT**

Amend RSA 394:17, I and II as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

I. It may deposit its money in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association or national bank in New England that is insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Corporation;

II. By a majority vote of its board of directors, it may invest up to the insured amount in any cooperative bank, building and loan association, savings bank, trust company, federal savings and loan association, or national bank in the United States that is insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Corporation;

Amend RSA 394:17, VI as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

VI. Any credit union with assets of three million dollars or more may purchase real estate mortgages secured by real estate wherever situate which are guaranteed by the federal housing administration and may purchase real estate mortgages secured by real estate in this state and in any state which are guaranteed by the United States government through the insured loan program of the farmer's home administration. It may be an originator or participating lender in participating loans as defined in RSA 387:1, provided that its participation in such loans shall be within such limits as are prescribed in RSA 394:16.

Amendment adopted.

Ordered to third reading.

**HB 838**

to authorize demand deposits in cooperative banks, savings and loan associations, building and loan associations and

federal savings and loan associations. Inexpedient to legislate. Rep. Lamy for Banks and Insurance.

Inexpedient at request of sponsor.

Resolution adopted.

### **HB 505**

providing that school districts pay part of the cost of tuition for vocational education provided by another district, that the state pay the balance, and making an appropriation therefor. Ought to pass with amendment. Rep. Robert E. O'Neil for Education.

This bill is a vital proposal to make the State's Secondary School Vocational Education "Twenty Center" Plan a completely workable concept. The committee amendment eliminates the appropriations clause because funds for this purpose have been included in the Governor's request already under review by the Committee on Appropriations.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

providing that school districts pay part of the cost of tuition for vocational education provided by another district and that the state pay the balance.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1971.

Amendment adopted.

Referred to Appropriations.

### **HB 366**

requiring a finding that certain facts exist before capital punishment may be imposed. Inexpedient to legislate. Rep. Healy for Judiciary.

Subject matter covered by HB 489.

Resolution adopted.

**HB 489**

relative to the sentence for murder and the proceedings to determine the sentence. Ought to pass with amendment. Rep. Zachos for Judiciary.

Bill does not make any change in the substance of the present law on capital punishment. Changes the procedure to provide that only a jury can decide whether a person is sentenced to life imprisonment or capital punishment.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 When Death Sentence Can Be Imposed. Amend RSA 585:4 by striking out said section and inserting in place thereof the following new section:

585:4 Sentence for Murder.

I. A person convicted of murder, following trial or plea, shall be sentenced to death or to a term of imprisonment that may be for any period up to the rest of his life. Upon such conviction, the court shall conduct a proceeding pursuant to paragraphs II, III, and IV in order to determine whether sentence of death or of imprisonment shall be imposed.

II. Proceedings to determine sentence for murder shall be before a jury, either the jury that found the defendant guilty or a new jury empanelled for that purpose when there has been no jury trial; provided, however, that the court may, for good cause, discharge the trial jury and empanel another.

III. In such sentencing proceedings, the evidence may be presented by either party on any matter relevant to sentence including, but not limited to, the nature and circumstances of the crime, defendant's background and history, and any aggravating or mitigating circumstances. Any relevant evidence shall be received regardless of its admissibility under the exclusionary rules of evidence.

IV. If the jury report agreement on the imposition of the penalty of death, the court shall discharge the jury and shall impose the sentence of death. If the jury report agreement on the imposition of the sentence of imprisonment, the court shall discharge the jury and shall impose a sentence of imprisonment. If, after the lapse of such time as the court deems reasonable,

the jury report themselves unable to agree, the court shall discharge the jury and shall, in its discretion, either empanel a new jury to determine the sentence or impose sentence of imprisonment.

Amendment adopted.

Ordered to third reading.

### **HB 586**

making it unlawful to operate a motor vehicle while in possession of a controlled drug. Ought to pass with amendment. Rep. Drabinowicz for Judiciary.

Provides penalties for knowingly possessing controlled drug in motor vehicle that are in line with penalties for other offenses involving motor vehicles.

### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Possession of Controlled Drugs. Amend RSA 262-A (supp) by inserting after section 62 the following new section: 262-A:62-a Possession of Drugs. Any person who operates on any way a motor vehicle while knowingly having in his possession or in any part of the vehicle a controlled drug in violation of the provisions of RSA 318-B shall be fined not more than five hundred dollars and his license shall be revoked or his right to operate denied for a period of sixty days and at the discretion of the court for a period not to exceed two years.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 661**

repealing the urine test under the implied consent law. Ought to pass with amendment. Rep. Healy for Judiciary.

Provides for excusing from the provisions of the implied consent law those afflicted with hemophilia, diabetes or any condition requiring the use of an anticoagulant.

## AMENDMENT

Amend the title of the bill by striking out said title and inserting in place thereof the following:

## AN ACT

revising the application of the implied consent law.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 Test of Blood. Amend RSA 262-A:69-a (supp) as inserted by 1965, 238:1, as amended by chapter 119:2 Laws of 1969, by striking out said section and inserting in place thereof the following: 262-A:69-a Implied Consent of Driver of Motor Vehicle to Submit to Chemical Testing to Determine Alcoholic Content of Blood. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to a chemical test or tests of his blood and urine for the purpose of determining the alcoholic or controlled drug content of his blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or controlled drugs, provided, however, any person who is afflicted with hemophilia, diabetes or any condition requiring the use of an anticoagulant under the direction of a physician shall not be deemed to have given consent to the withdrawal of his blood provided that any arrested person who refuses to give consent to the taking of his blood under this provision shall not be exempt from the provisions of RSA 262-A:69-e unless he satisfies the director of motor vehicles after notice and hearing that he is afflicted with such a condition. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor or controlled drugs. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within forty-eight hours of receipt of the report by the agency by registered mail directed to the address shown on such person's license or other identification furnished by the person.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Refusal to Consent to such a Test. Amend RSA 262-A:69-e (supp) as inserted by 1965, 238:1 and amended by 1969, 119:3 by striking out in line nine the words ",narcotics or" and inserting in place thereof the words (or controlled) so that said section as amended shall read as follows: 262-A:69-e Refusal of Consent. If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement officer as provided in section 69-a, none shall be given, but the director of the division of motor vehicles, upon the receipt of a sworn report of the law enforcement officer containing the following: (1) that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor or controlled drugs; (2) the facts upon which the reasonable grounds to believe such are based; (3) that the person had been arrested; (4) that the person had refused to submit to the test upon the request of the law enforcement officer; (5) that he informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing, and (6) that he informed the arrested person of the fact that refusal to permit the test will result in revocation of his license, shall revoke his license to drive or nonresident operating privilege for a period of ninety days; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director of the division of motor vehicles shall deny to the person the issuance of a license for a period of ninety days after the date of the alleged violation, subject to review as hereinafter provided.

Amendment adopted.

Ordered to third reading.

#### HB 744

increasing the amount of money payable to certain town officers' associations. Ought to pass. Rep. Blain for Municipal and County Government.

Ordered to third reading.

**HB 745**

providing for the removal of a town clerk. Ought to pass.  
Rep. Hanson for Municipal and County Government.

Ordered to third reading.

**HB 650**

removing provisions for liens against the property of recipients of certain welfare assistance. Inexpedient to legislate.  
Rep. Streeter for State Institutions.

Resolution adopted.

**HB 529**

relative to the destruction and removal of boundary markers. Ought to pass with amendment. Rep. Forcier for Statutory Revision.

Committee recognized the problem involving boundary markers. However, according to the Attorney General's Office, the original bill attempted to mingle civil with criminal law. Amended bill merely increases the fine.

### AMENDMENT

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Negligent Removal of Boundary Markers. Amend RSA 572:25 by striking out in line five the word "twenty" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows: 572:25 Removing Boundary. If any person shall wilfully or maliciously remove or alter any boundary of lands, or deface, alter, or remove any mark upon a tree or other monument made for the purpose of designating a point, course or line in the boundary of a tract of land or in the dividing line between towns, he shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 713**

relative to the number of ballots supplied to voting officials. Inexpedient to legislate. Rep. Murray for Statutory Revision.

Committee believes present ratio of ballots furnished in relationship to registered voters should be maintained because of population and voter registration increase.

Resolution adopted.

**HB 715**

permitting a voter who changes party affiliation on primary day to vote in said primary. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

This subject was discussed in the form of an amendment to HB 199. It was rejected at that time. The committee did not accept the idea of an open or cross-over primary which this bill would effect.

Resolution adopted.

**HB 591**

relative to organized time trials for motor vehicles on certain public highways. Ought to pass. Rep. Hamel for Transportation.

Allows carefully supervised time trials on Class III, V, and VI roads subject to the absolute control of the town selectmen (or the director of parks if in a park.)

Ordered to third reading.

**SB 125**

to repeal certain statutes relative to the width of rims of wagon wheels and to chaining wheels on hills. Ought to pass. Rep. Hamel for Transportation.

Removes an archaic and obsolete provision from the statutes. No opposition.

Ordered to third reading.

**HB 719**

relative to directors of savings and commercial banks. Ought to pass with amendment. Rep. Lamy for Banks and Insurance.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Limitation on Directors. Amend RSA 384:5-a as inserted by 1961, 248:11 by striking out said section and inserting in place thereof the following:

384:5-a Limitation. No person shall at the same time serve as a trustee, director or officer of more than one of the following types of financial institutions:

I. Cooperative bank;

II. Building and loan association;

III. Federal savings and loan association;

IV. Trust company;

V. National bank;

VI. Mutual savings banks, guaranty savings banks.

2 Effective Date. This act shall take effect July 1, 1973.

Amendment adopted.

Rep. Gemmill offered an amendment.

## AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1973, provided, however, that if the institutions of which a person is a trustee, director or officer are both located in a town of less than four thousand persons the prohibitions of RSA 384:5-a shall not take effect until July 1, 1975.

The Clerk read the amendment in full.

Rep. Gemmill explained the amendment.

Amendment adopted.

Ordered to third reading.

**HB 552**

relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands com-

mission and making an appropriation therefor. Rep. Greene for Environmental Quality and Agriculture. Rep. Claflin for Resources, Recreation and Development.

The committees recommend that HB 552 be referred to a special committee of the house consisting of three members of the committee on environmental quality and agriculture appointed by the chairman thereof and three members of the committee on resources, recreation and development appointed by the chairman thereof. That said special committee is directed to study said bill and to report the same to any special session of the 1971 general court. If there is no such special session said committee shall report its findings on or before January 15, 1973 together with a draft in final form of any legislation it recommends be enacted by the 1973 general court.

Rep. Claflin moved that the committee resolution be amended substituting the word "speaker" wherever the words "chairman thereof" appears.

Motion adopted.

Resolution adopted.

### **HB 525**

relative to incompatibility of town offices. Ought to pass. Rep. Mabel Richardson for Municipal and County Government.

Rep. Charles Cummings moved that HB 525 be made a special order for 11:01 on the next convening day of the Legislature.

Adopted.

### **HB 564**

relative to increasing the membership of the advisory commission on health and welfare. Ought to pass. Rep. Helen Wilson for Public Health and Welfare.

Bill self-explanatory.

Rep. Foster moved that HB 564 be laid on the table.

A division was requested.

86 members having voted in the affirmative and 121 in the negative the motion lost.

Ordered to third reading.

**HB 582**

regulating outdoor advertising on the interstate, federal aid systems, and turnpikes. Ought to pass with amendment. Rep. Hackler for Public Works.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Regulation of Outdoor Advertising on Interstate Highways and Federal Aid Highways. Amend RSA 249-A as inserted by 1961, 269:1 and amended by 1963, 3:1 and 2; 1967, 432:2 and 1969, 429:1 by striking out said chapter and inserting in place thereof the following new chapter:

**Chapter 249-A**  
**Outdoor Advertising**

249-A:1 Policy. It is hereby declared to be the policy of this state and in the public interest to provide for maximum visibility along the interstate system, federal aid primary system, and turnpike system, and connecting roads or highways; to prevent unreasonable distraction of operators of motor vehicles; to prevent confusion with regard to traffic lights, signs or signals or other interference with the effectiveness of traffic regulations; to promote maximum safety, comfort and well-being of users of the interstate system, federal aid primary system, and turnpike system; to preserve and enhance the natural scenic beauty or the aesthetic features of the interstate system, federal aid primary system, turnpike system and adjacent areas; to promote the reasonable, orderly and effective display of advertising devices along such systems; and to regulate advertising devices along such systems in a manner consistent with customary use in this state. To implement this declared policy and cooperate with the United States government in the construction and maintenance of public highways in accordance with title 23 United States code as amended and supplemented, this chapter provides for the regulation of advertising devices on the interstate and federal aid primary highway systems.

249-A:2 Definitions. As used in this chapter:

1. The words "advertising device" shall include any billboard, outdoor sign, notice, poster, display figure, painting,

message, placard or any other device which is designed or intended to attract or which does attract the attention of operators of motor vehicles on the interstate system, federal aid primary system, and turnpike system and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in conjunction therewith.

II. The words "on-premise signs" shall mean advertising devices which are to be erected and maintained on property for the following purposes:

(a) To set forth the name and address of the owner, lessee, or occupant of such property;

(b) To list information required by law to be posted or displayed thereon;

(c) To set forth the name of the business or profession conducted on such property, or to identify the goods or services produced or sold on such property;

(d) To indicate the sale or leasing of the real property upon which they are placed.

III. The words "directional and informational signs" shall mean directional and informational signs in the specific interest of the traveling public, or other official signs and signals erected or maintained by state or other public agencies having jurisdiction, provided, the erection of such signs is not inconsistent with the standards to be promulgated by the United States secretary of transportation under section 131 (f) of the Federal Highway Beautification Act of 1965. For the purpose hereof, informational signs are deemed to be in the specific interest of the traveling public only if they contain information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping. The commissioner of public works and highways is vested with authority to determine whether informational signs are in the specific interest of the traveling public.

IV. The words "interstate system" shall mean all highways which are a part of the national system of interstate and defense

highways described in subsection (d) of section 103 of title 23, United States code.

V. The words "federal aid primary system" shall mean all highways which are a part of the federal aid system described in subsection (b) of section 103 of title 23, United States code.

VI. "Commercial or industrial activities" shall mean those activities generally recognized as business, industrial or commercial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) Agricultural, forestry, grazing, farming and related activities, including but not limited to wayside fresh produce stands;

(c) Transient or temporary activities;

(d) Activities conducted in a building used principally as residence;

(e) Railroad tracks and minor sidings; and

(f) Activities which are not visible from the main traveled way.

VII. The words "zoned commercial or industrial areas" shall mean those areas zoned for business, industrial or commercial use pursuant to a municipal zoning ordinance, regulation or bylaw.

VIII. The words "unzoned commercial or industrial area" shall mean any area not zoned by any municipality in which, if an advertising device is or might be located therein, such device is or would be so located that there are at any time two or more separate businesses, industrial or commercial activities of a permanent nature conducted no greater than one thousand feet apart; such one thousand feet being measured between points on the outer edge of the regularly used buildings, parking lots, or storage or parking areas, provided, however, that no such advertising device may be located more than five hundred feet from the nearest such business, industrial or commercial activity measuring from the point on the outer edge of

the regularly used buildings, parking lots, storage or processing areas of such activity nearest to such device.

IX. The word "erect" shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to a change of advertising message or customary maintenance or replacement of the sign structure.

X. The word "maintain" shall mean to allow to exist.

XI. The words "federal highway adjacent area" shall mean an area which is adjacent to and within six hundred feet of the nearest edge of the right-of-way of any interstate or federal aid primary highway, which six hundred sixty foot distance shall be measured horizontally along a line normal or perpendicular to the center line of the highway, or which is visible from the main travelled way.

XII. The words "political sign" shall mean an advertising device intended to promote the candidacy or election of any public official which device is basically impermanent in nature.

XIII. The words "turnpike system" shall mean any portion of the Spaulding turnpike or the F. E. Everett turnpike, as established by RSA 256, 257, and 257-A which are not defined as an interstate system or a federal aid primary system in paragraphs IV and V of this section, or any other turnpike which may be constructed or established in this state.

XIV. The words "turnpike adjacent area" shall mean an area which is adjacent to and within six hundred sixty feet of the nearest edge of the right-of-way of any turnpike system, as defined in paragraph XIII of this section, which six hundred sixty foot distance shall be measured horizontally along a line normal or perpendicular to the center line of the highway, or which is visible from the main travelled way.

249-A:2 Licenses. No person shall erect or maintain more than ten advertising devices in federal highway or turnpike adjacent areas other than such devices described in paragraphs III, IV and V of section 5 without first obtaining a license from the commissioner of public works and highways. The fee for such license shall be paid annually in advance. The fee for persons erecting or maintaining fifty or more advertising devices

shall be one hundred dollars, and for persons erecting or maintaining less than fifty but more than ten such devices, the fee shall be fifty dollars. An application for a license or renewal of a license shall contain the name and residence or principal address of the applicant and such other reasonable information as the commissioner may from time to time require and shall be accompanied by the annual fee. Licenses granted under this section shall expire on April first following the date of issue, and fees therefor shall not be prorated. All applications for renewal of licenses shall be filed with the commissioner on or prior to March fifteenth preceding their expiration. Applications for a license or renewal of a license shall be granted except as otherwise provided in section 9. All fees collected hereunder shall be deposited in the highway fund.

249-A:4 Permits. No advertising device other than such a device described in paragraphs III, IV, and V of section 5 shall be erected or maintained in a federal highway or turnpike adjacent area without a permit issued by the commissioner of public works and highways. Application for a permit or renewal of a permit shall contain the name and residence or principal business address of the applicant, the location of the device to be permitted and its size, excluding border and trim, base or apron, supports and other structural members, the number of faces carrying advertising, a signed statement of the owner of the property upon which the device to be permitted is or will be located that he has consented to such device, the amount of rental compensation being paid to the said owner, and such other reasonable information or requirements as the commissioner may require. However, on an application for renewal of a permit the commissioner may waive the requirement for furnishing a signed consent statement from the owner of the property on which the device is located. Permits shall expire on April first following the date of issue and fees shall not be prorated. Applications for renewal of a permit shall be filed prior to March fifteenth preceding expiration of the permit. Only one permit shall be required for double face or v-type devices, but fees shall be charged with respect to each face used for advertising. Advertising copy may be changed at any time without requiring a new permit. Applications for a permit or renewal of a permit shall be granted except as provided in section 9, and each application shall be accompanied by fees in accordance with the following schedule:

I. For sign faces of fifty square feet or less, five dollars.

II. For sign faces of more than fifty square feet but less than three hundred and fifty square feet, ten dollars.

III. For signs faces of three hundred and fifty square feet or more, twenty dollars.

All fees collected hereunder shall be deposited in the highway fund.

249:A-5 Restriction of Advertising. After January 1, 1970, no advertising devices shall be erected or maintained within a federal highway adjacent area and after January 1, 1972, no advertising devices shall be erected or maintained within a turnpike adjacent area except the following:

I. Advertising devices located in a zoned area erected and maintained without violation of sections 3, 4, and 6 as follows:

(a) Adjacent to segments of the interstate system legally zoned on September 21, 1959 as commercial or industrial.

(b) Along the federal aid primary and turnpike systems in a zoned commercial or industrial area.

II. Advertising devices located along the federal aid primary or turnpike systems in an unzoned commercial or industrial area and erected and maintained without violation of sections 3, 4, and 6 other than such devices located in such an area determined by the commissioner of public works and highways to be predominantly residential.

III. On premise signs which are to be erected and maintained on the property for the purpose of setting forth:

(a) The name and address of the owner, lessee, or occupant of the property;

(b) Information required by law to be posted or displayed on the property;

(c) The name of the business or profession conducted on the property, or an identification of the goods or services produced or sold on such property, provided, not more than one such sign, visible to traffic proceeding in any one direction or any one interstate, federal aid primary or turnpike highway and advertising activities being conducted on the real property

where the sign is located shall be permitted more than fifty feet from the advertised activity; and

(d) Advertising devices indicating the sale or leasing of the real property upon which they are placed, provided, not more than one such sign advertising the sale or lease of the same property shall be permitted in such a manner as to be visible to traffic proceeding in any one direction on any one interstate, federal aid primary or turnpike highway.

#### IV. Directional, informational or official signs:

(a) Within the right-of-way as determined by the commissioner of public works and highways to be in the specific interest of the traveling public and which conform to national standards as promulgated by the secretary of transportation; and

(b) Off the right-of-way as may be permitted under rules and regulations to be promulgated by the commissioner of public works and highways. Such signs may include signs directing the traveling public to privately owned resorts, hotels, restaurants or other commercial establishments catering to the traveling public where the commissioner of public works and highways determines that such a sign is necessary to the continued operation of such commercial establishment and that traffic safety is best served by providing such a sign to the traveling public thereby avoiding confusion on the part of the motorist. Any such directional sign shall be erected and maintained by the commercial establishment involved under the rules and regulations prescribed by the commissioner, and which conform to national standards as promulgated by the secretary of transportation.

V. Political signs which are placed within a federal highway or turnpike adjacent area by supporters of the candidate shall be permitted only so long as their location is donated by the property owner free of charge and shall be subject to removal at any time by the department of public works and highways if such signs create a traffic hazard; provided, the areas allowed shall be restricted to federal aid primary and turnpike highways and not interstate highways. The candidate shall cause such political signs to be removed within ten days after the election for which they were created.

VI. No sign which is to be permitted under paragraphs III, IV, and V of this section may be permitted to be erected or maintained, in any manner inconsistent with standards, criteria, and rules and regulations to be promulgated by the commissioner of public works and highways that are necessary in order to meet the requirements of section 131 of title 23, United States code. No advertising device, notwithstanding any other provisions of this chapter, will be permitted which does not conform to the national standards found in chapter 1. part 20 of title 23, code of federal regulations.

249-A:6 Regulation of Erection and Maintenance of Certain Advertising Devices. Subject to the provisions of section 3, 4, and 5 and except as otherwise provided in section 8, after January 1, 1970, erection and maintenance of advertising devices located in federal highway adjacent areas and after January 1, 1972, erection and maintenance of advertising devices located in turnpike adjacent areas, other than such devices permitted under paragraphs III, IV, and V of section 5 shall be governed by the following provisions:

I. General. With respect to advertising devices located in federal highway or turnpike adjacent areas;

(a) No device may be erected or maintained that is inconsistent with the following:

(1) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.

(2) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(3) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of the interstate, federal aid primary or turnpike highways, or is of such intensity or brilliance as not to cause glare or not to impair the vision of the driver of any motor vehicle, or does not otherwise interfere with any driver's operation of a motor vehicle.

(4) No sign may be permitted to be erected or maintained

upon trees, or painted or drawn upon rocks or other natural features, or upon utility poles.

(5) No sign may be permitted which is obsolete, not clean and in good repair, or that is not securely affixed to a substantial structure.

(b) An advertising device shall not be maintained without the attachment thereto of a weatherproof label, which label shall be provided by the commissioner of public works and highways, and shall contain the number of the permit.

(c) An advertising device shall not be maintained unless the name of the permittee appears legibly thereon. Whether a name appears legibly shall be determined by the commissioner of public works and highways in accordance with such standards as he may from time to time prescribe.

II. Size. With respect to advertising devices located in federal highway or turnpike adjacent areas or in view of any interstate, federal aid primary or turnpike highway:

(a) Advertising devices may be erected with, but only with, an area not exceeding seven hundred and fifty square feet and with a maximum height of twenty feet and a maximum length of fifty feet, excluding border and trim, base or apron, supports and other structural members; provided that the commissioner shall permit the maintenance of devices of larger size if lawfully erected prior to the effective date of this chapter and otherwise permitted by the provisions of this chapter.

(b) The maximum size limitations shall apply to each facing. Two advertising devices not exceeding three hundred fifty square feet each may be erected in a facing.

III. Lighting. Advertising devices located in federal highway or turnpike adjacent areas may be lighted, subject only to such restriction with respect to devices to be erected as may from time to time be prescribed by the commissioner.

IV. Location. With respect to advertising devices located in federal highway or turnpike adjacent areas:

(a) Advertising devices shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merg-

ing, or intersecting traffic, as determined by the commissioner.

(b) Required spacing for advertising devices to be erected or maintained on one side of an interstate, turnpike or limited access federal aid primary highway shall be not less than five hundred feet provided, however, that such spacing shall not apply to devices which are separated by a building or other obstruction in such manner that only one such device is visible from such highway at any one time.

(c) No advertising device may be erected with respect to an interstate, limited access federal aid primary, or turnpike highway within five hundred feet of an interchange or safety rest area located on the same side of the highway on which such sign might otherwise be erected. For purposes of this paragraph (c) such distance of five hundred feet shall be measured along the edge of the main-traveled way of any such highway from the point of beginning or ending of pavement widening with respect to an exit from, or an entrance to, such main-traveled way, to or from an interchange or a safety rest area, provided, however, that with respect to an interchange which consists of an entrance or an exit only, such distance shall be measured from the center line of the highway intersected by any such highway in the direction from such interchange in which there is no entrance or exit, as the case may be.

(d) Required spacing for advertising devices to be erected or maintained on one side of a nonlimited access federal aid primary highway in municipalities of four thousand population or more shall be:

(1) One hundred feet where the distance between center-lines of two highways intersecting any such highway is less than one thousand feet provided that not more than three devices shall be erected or maintained between such intersecting highways; and

(2) Three hundred feet where the distance between center lines of intersecting highways is one thousand feet or more.

(e) Required spacing for advertising devices to be erected or maintained on both sides of a nonlimited access federal aid primary highway in municipalities of less than four thousand population shall be three hundred feet.

(f) In this paragraph IV the following shall apply: Back-

to-back advertising devices, devices erected on a v-type structure and two devices erected in a single facing shall be considered one advertising device. The word "highways" or the words "intersecting highways" shall not include alleys, undeveloped rights-of-way, private ways or driveways. Distances from advertising devices which are erected or maintained or are able to be erected, or distances to such devices, shall be measured along the edge (nearest to any such devices or any locations in which such devices are able to be erected) of the main-traveled way of an interstate, federal aid primary or turnpike highway from or to points on such edge directly opposite such devices or locations. Advertising devices permitted under paragraphs III, IV, and V of section 5 shall not be considered advertising devices for purposes of any measurement or determination made under this paragraph IV or for purposes of any other requirement of this paragraph.

249-A:7 Highways in Juxtaposition. Nothing herein shall prevent an owner of land from using, or permitting the use of, his land for outdoor advertising purposes where said owner's land abuts a highway parallel to, or nearly parallel to and less than six hundred sixty feet from the edge of right-of-way of an interstate, federal aid primary or turnpike highway provided that the advertising or informative contents of advertising devices erected and maintained on said land shall not be visible from the main-traveled way of an interstate, federal aid primary or turnpike highway.

249-A:8 Nonconforming Signs Lawfully Erected. Any advertising device lawfully erected which is located in a federal highway or turnpike adjacent area and does not conform to section 5 or 6 or any rule or regulation adopted under this chapter by the commissioner of public works and highways shall not be required to be removed by reason of such nonconformity until the end of the fifth year after it becomes nonconforming. No permit for any advertising device described in this section shall be revoked by reason of the nonconformity of such device with sections 5 or 6 (other than with subparagraphs (a), (b) or (c) of paragraph I of section 6) nor the renewal of a permit for such a device be denied by reason thereof so long as such device is not required to be removed; nor shall any license be revoked or denied, or the renewal thereof be denied, by reason of the nonconformity of such devices not required to be removed. Not-

withstanding the foregoing provisions of this section, no advertising device which does not conform to sections 5 or 6 or any rule or regulation adopted under this chapter, the removal of which device would require just compensation to be paid pursuant to section 11 to the owner of the advertising device and/or the owner of the land on which the device is located, shall be required to be removed at any time if the federal share of just compensation to be paid under section 131 of title 23 United States code upon removal of such advertising device is not available to make such payment.

249-A:9 Denial of Revocation of License or Permit; Nuisances; Orders for Removal. A license under this chapter may be denied or revoked, or a renewal denied, only for false or misleading information given in the application for such license or renewal, or for the erection or maintenance of advertising devices in violation of the provisions of this chapter or rules and regulations of the commissioner of public works and highways adopted pursuant hereto by the licensee or the applicant for such license or renewal thereof. A permit under this chapter may be denied or revoked, or a renewal denied, only for failure to obtain or have a license, for sale or misleading information given in the application for such permit or renewal, or for the erection or maintenance of the advertising device permitted or to be permitted in violation of the provisions of this chapter or rules and regulations of the commissioner adopted pursuant hereto by the permittee or the applicant for such permit or renewal thereof. Denial or revocation of a license or permit, or renewal thereof, may be made only after hearing before the commissioner upon thirty days' notice in writing to the licensee or permittee or applicant for such license or permit, or renewal thereof. The licensee or permittee or such applicant may within such thirty days correct such information or violation in which case the license or permit shall not be denied or revoked or a renewal denied. If revocation of a license or a permit or a determination that there should be a denial of issuance of a license or permit, or renewal thereof, is made after such a hearing the licensee or permittee, or applicant for such license or permit, or renewal thereof, shall have a right to a rehearing and a right of appeal as provided in RSA 541. Any advertising device erected or maintained in violation of this chapter or the rules and regulations of the commissioner adopted pursuant hereto other than such a device described in section 8

or which is maintained under permit shall be deemed a nuisance. A determination that an advertising device is a nuisance and an order for its removal shall be made by the commissioner only after a hearing upon thirty days' notice in writing to the owner of such device, provided, however, that such a determination and order for removal may be made without a hearing and without notice where a permit for such a device has been revoked or denied or removal of such permit has been denied. If the commissioner cannot reasonably ascertain the name and address of the owner of the device, notice may be given by three publications of notice in a newspaper in the county where the device is located once in each week for three successive weeks, the last publication to be at least thirty days prior to such hearing. The owner of the device may within such thirty days correct any violation of the provisions of this chapter or the rules and regulations of the commissioner adopted pursuant hereto, and in such case the device shall not be required to be removed and no hearing will be held. Application for a license or permit within such thirty days shall be deemed a correction of any failure to obtain such a license or permit. If a determination that an advertising device is a nuisance is made after such a hearing, the owner of such device shall have a right to a rehearing and a right of appeal as provided in RSA 541. Notwithstanding any provisions of said chapter 541, no advertising device shall be required to be moved prior to a final determination that the license or permit should be denied or revoked or renewal thereof denied or that such device is a nuisance.

249-A:10 Removal. After an order for removal has become final, the owner of the advertising device may remove it at his own expense. If such device has not been removed within thirty days after such an order has become final, the commissioner of public works and highways, or his duly authorized agents, may enter upon the property where it is located and remove it without incurring any liability by reason of such entry and at the expense of such owner.

#### 249-A:11 Just Compensation.

I. Just compensation shall be paid to the owner of the advertising device and to the owner of the land upon which it is located upon the removal, on or after the effective date of this section, of any such device required to be removed by reason of

nonconformity with the provisions of this chapter which is lawfully existing on January 1, 1970 or lawfully erected thereafter, provided no compensation shall be paid to the owner of any advertising device or to the owner of the land on which it is located if the reason for removal was failure to obtain a license or permit pursuant to sections 3 and 4 of this chapter.

II. Each such removal, whether by the owner of the advertising device, by the commissioner of public works and highways, or otherwise, shall be deemed to constitute a taking by the state of the following:

(a) From the owner of such device, all right, title and interest in and to such device, and his leasehold related thereto.

(b) From the owner of the real property on which such device is located, the right to erect and maintain such device.

III. The foregoing right to compensation of the owner of land shall be in lieu of any right to receive or retain rental from the owner of such device for the sign location for the period after removal of such device, and such right to receive or retain rental shall terminate upon such removal.

IV. Such compensation shall be paid to the person or persons entitled thereto upon presentation to the commissioner of such information as he may reasonably require, provided that the claim for compensation is filed within ninety days after removal is completed.

V. If the commissioner and a claimant do not reach agreement on the amount of compensation payable to such claimant in respect to any removal within one hundred twenty days after the filing of such claim, the claimant may institute an action to have such compensation determined as an assessment of damages suffered by the claimant as of the date of the removal. Such an action shall be instituted by filing a petition for assessment of damages in the superior court, in the county wherein the advertising device and land are located, or wherein the claimant resides or has its principal place of business in this state. The petition shall be filed no later than one year after the filing with the commissioner of such compensation claim. The court shall assess the damages by jury, or by the court without the jury, and award interest from the date as of which damages are assessed, and costs, to the claimant.

VI. In calculating just compensation to be paid to the owner of an advertising device required to be removed by reason of nonconformity with section 5 of this chapter after January 1, 1975, it is intended that the five-year period of nonconforming use shall be considered as whole or partial compensation to said owner for his loss. It is further intended that, in calculating just compensation to the owner of land for which rental compensation has been paid for the five preceding years, such rental income during the period of nonconforming use be taken into consideration as whole or partial compensation. If funds become available, the commissioner of public works and highways is authorized to negotiate the removal of advertising devices prior to the end of the five-year period and is authorized to pay just compensation.

249-A:12 Penalty. Whoever erects or maintains an advertising device in violation of the provisions hereof and required to be removed shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars.

249-A:13 Acceptance of Federal Funds. The commissioner of public works and highways may accept any allotment of funds by the United States, or any department or agency thereof, for the foregoing purposes.

249-A:14 Agreement with United States Secretary of Transportation Relating to the Erection of Advertising Devices. The commissioner of public works and highways may enter into agreements with the secretary of transportation or appropriate federal official of the United States as provided by section 131 of the title 23, United States code provided that any such agreement shall be consistent with, and not more restrictive than, the provisions of this chapter, except that the agreement executed by the commissioner of public works and highways and the federal highway administrator on June 14, 1963 under the provisions of RSA 249-A as inserted by 1961, 269:1 and amended by 1963, 3:1 and 2 is hereby reaffirmed so that the commissioner of public works and highways may maintain the control required to receive and to continue to receive bonus payments from the federal government with respect to the control of outdoor advertising on the interstate system. Any expenditures of money by the commissioner in connection with agreements authorized by the section shall be payable from any funds available to the commissioner.

249-A:15 Regulations. Rules and regulations may be adopted under this chapter by the commissioner of public works and highways. Any such rules and regulations shall be reasonable, and consistent with, and not more restrictive than, the provisions of this chapter and consistent with customary use in this state. Prior to the adoption, amendment or repeal of any rule or regulation under this chapter the commissioner shall give notice to licensees hereunder in such form as he deems proper unless such rule or regulation shall exclusively relate to on premise signs or directional, informational or official signs or political signs and such other notice as he deems proper and afford interested persons an opportunity to present date, views or arguments. If the commissioner finds that oral presentation is unnecessary or impracticable, he may require that presentation be made in writing. Judicial review of any such rule or regulation may be had by a licensee or other interested person through a petition for declaratory relief in the superior court in the county wherein the petitioner resides or has its principal place of business in this state in the manner and to the extent provided under RSA 491:22. The commissioner shall make available such rules and regulations for distribution to any licensee or other person interested without charge or such charge not more than cost as the commissioner may prescribe.

249-A:16. Separability. If any provisions of this chapter or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this chapter and applicability of such provision to other persons or circumstances shall not be affected thereby.

249-A:17 Information Sites. The commissioner of public works and highways shall, in consultation with the secretary of transportation or appropriate federal official of the United States as provided by subsection (f) of section 131 of title 23, United States code, provide within the rights-of-way for areas at appropriate distances from interchanges on the interstate system, on which signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards.

249-A:18 School Bus Shelters. School bus shelters for school children where used for or constructed to carry advertising matter, when approved by the superintending school com-

mittee of the town in which they are located, and upon payment of applicable license and permit fees may be placed or maintained outside the right-of-way and carry not more than two panels each thereon for the identification of sponsors. No such panel shall exceed thirty-two square feet or extend beyond the sides of such shelter and at least sixty percent of its area must be devoted to public service, safety or other noncommercial use. Each such shelter shall, to the satisfaction of the superintending school committee, be constructed of durable material, with concrete floor raised above ground level, kept clean, well painted or otherwise suitably maintained at all times and kept free from snow, or the commissioner may order its removal.

249-A:19 Advertising Devices Within Highway Rights-of-Way. Any advertising device so located as to be within the right-of-way of any interstate, federal aid primary, federal aid secondary, or turnpike highway shall be deemed to be illegally located. Removal and disposal of said device shall be effected after ten days' written notice to the owner of said device, provided the identity and mailing address of the owner are displayed on the device, by the department of public works and highways.

2 Restrictions of Advertising on the Federal Aid Secondary System. The words, "federal aid secondary system" shall mean all highways which are a part of the federal aid system described in subsection (c) of section 103 of title 23, United States code. Notwithstanding any other provisions to the contrary, until sixty days after the adjournment of the 1973 session of the general court, no new outdoor advertising sign, display, or device shall be erected after the effective date of this act in any areas which are adjacent to and within six hundred sixty feet of or visible from the nearest edge of the right-of-way of any federal aid secondary highway, except the following:

I. Directional and other official signs;

II. Signs advertising the sale or lease of property upon which they are located;

III. On premise signs, signs advertising activities conducted on the property on which they are located;

IV. Signs which are to be located in any area which is at any time zoned to permit business industrial or commercial activities under the authority of any law of this state or to be

located in an unzoned commercial or industrial area as defined above.

3 Effective Date. This act shall take effect sixty days after its passage.

\* \* \*

Rep. Trowbridge explained the amendment.

Amendment adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. Charles Cummings, having voted with the majority, moved that the House reconsider its action in making HB 525 a special order for 11:01 on the next convening day of the Legislature.

Rep. Cummings explained his reason for asking for reconsideration.

Motion adopted.

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Rep. Cummings offered an amendment.

### AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect on the second Tuesday of March, 1972.

The clerk read the amendment in full.

Rep. Cummings explained the amendment.

Amendment adopted.

Ordered to third reading.

The Speaker called for the special order for 11:01 on:

### HB 536

relative to the taking of land for state park facilities in the town of Rye. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

## AMENDMENT

Amend the bill by striking out everything after the enacting clause and inserting in place thereof the following:

1 Power of Acquisition Limited. Amend RSA 12-A by inserting after section 16 the following new section: 12-A:17 Park Land in Town of Rye. Notwithstanding any other provision of law to the contrary, the state shall not acquire, for the purpose of expanding or establishing any state park, any land in the town of Rye except land designated "tidal marsh" by the national cooperative soil survey unless said town shall have approved the acquisition by a majority of those voting at any regular or special town meeting.

2 Effective Date. This act shall take effect upon its passage.

Rep. Maynard moved that HB 536 be indefinitely postponed and spoke in favor of the motion.

(Deputy Speaker in the Chair)

(discussion)

Reps. Hammond, Greene, Urie, and Williamson spoke against the motion.

(Speaker in the Chair)

Reps. Trowbridge and Levy spoke in favor of the motion.

Rep. Claflin spoke against the motion.

Rep. Dion moved the previous question and it was sufficiently seconded.

Adopted.

Question being to indefinitely postpone HB 536.

Motion lost.

Question on the adoption of the committee report.

Amendment adopted.

Ordered to third reading.

The Speaker called for the special order for 11:02 on:

**HB 611**

providing for capital improvements by providing for con-

struction and operation of a state liquor store and a gas station on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. Inexpedient to legislate. Rep. Spollett for Public Works.

Rep. George Roberts moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Trowbridge, Alice Davis and Gerry Parker spoke against the motion.

Reps. Enright, Lawton, Gordon, Drake, Coutermarsh, Hardy, Sayer and Vachon spoke in favor of the motion.

Rep. Sherman moved the previous question and it was sufficiently seconded.

Adopted.

Question being on the motion that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

On a vv the Speaker was in doubt and requested a division.

195 members having voted in the affirmative, and 74 in the negative, the motion carried.

Referred to Appropriations.

## **HB 497**

removing weighted voting in supervisory union elections. Ought to pass with amendment. Rep. Boucher for Education.

A much more equitable way of computing the vote — gives smaller towns a more realistic voice through voting — and does not materially change the strength of the receiving district.

## **AMENDMENT**

Amend the title of said bill by striking out the same and inserting in place thereof the following:

### An Act

relative to additional votes for supervisory union personnel  
based on a ratio of student population.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Ratio Based on Student Population. Amend RSA 189:46 (supp) as amended by 1965, 199:5 by striking out said section and inserting in place thereof the following: 189:46 Additional Voting Rights. In voting on the selection of supervisory union personnel, the salaries relating thereto, and all other business required for the operation of a supervisory union office, each district which had for the previous year more than five hundred pupils in average daily membership in residence shall be entitled to one additional vote, and one additional vote for each such two hundred fifty pupils or major part thereof in excess of five hundred pupils. Such additional votes shall be cast as determined by the individual school boards or their representatives in the supervisory union.

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. Ferguson moved that the words, inexpedient to legislate be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Rep. Boucher spoke against the motion.

(Rep. George Roberts in the Chair)

Reps. Scamman and Bowles spoke against the motion.

Rep. Bednar spoke in favor of the motion.

(discussion)

Motion lost.

Question being on the committee amendment.

Amendment adopted.

Ordered to third reading.

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The Speaker called for bills placed on calendar under Rule 57:

HB 449, relative to balloting at town meetings relating to bond issues.

Rep. Hanson requested a six day extension.

Granted.

SB 18, relative to filing dates for nomination in certain cities and towns.

Rep. Hanson requested a six day extension.

Granted.

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### **HB 458**

prohibiting the use of motorboats on Berry Pond in Moultonborough. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

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Ordered to third reading.

Bills placed on calendar under Rule 43:

HB 567, to increase the minimum wage rate.

Rep. Merrill requested a six day extension on HB 567.

Granted.

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Bills placed on calendar under Rule 58:

HB 78, to authorize the industrial authority to provide housing for industrial workers.

HB 376, establishing a department of housing and making an appropriation therefor.

Rep. Underwood moved that HBs 78 and 376 be made a special order for 11:01 May 5th.

Adopted.

HB 463, providing for studies in each county to consider the advisability of home rule charter acts; amending certain provisions of the laws relative to counties and establishing a county regional government commission and making an appropriation therefor.

Rep. Hanson requested a six day extension on HB 463.

Granted.

HB 756, to increase highway relocation assistance.

Rep. Trowbridge moved that HB 756 ought to pass.

Referred to Appropriations.

### VACATE

Rep. Roma Spaulding moved to vacate reference of HB 803, relative to the retention of certain retirees as members of group health plans from the committee on Public Health and Welfare and refer to Banks and Insurance.

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Rep. Russell Chase moved to vacate reference of CACR 15, Constitutional Amendment Concurrent Resolution Relating to the Trial of Crimes Providing That District Courts May Try Crimes in a County Other Than The County Where the Courts Sits, from Judiciary and refer to Constitutional Revision.

Adopted.

Rep. Trowbridge moved to vacate reference of HB 847, relative to the regulation of outdoor advertising, from Executive Departments and Administration and refer to Public Works.

Adopted.

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Six day extensions were granted on HB 557, relative to electing the speaker of the house of representatives by roll call vote, and HB 597, relative to the definition of eligible group for the marketing of motor vehicle insurance.

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On showing preference as to which day to meet when a 4 day week becomes necessary, the House voted overwhelmingly for Monday.

Rep. Elmer Johnson moved that the House not go to a 4 day week until necessary.

Motion lost.

The House voted as follows as to the Monday to start the 4 day week:

May 3 — 111      May 10 — 64      May 17 — 135

In a runoff the vote was May 3 — 117; May 17 — 190.

Reps. J. O'Neil and Raiche offered the following House Resolution:

We move that the House approve the holding of public hearings by any committee on the non-legislative days that it is authorized to meet by the Speaker pursuant to House Rule 33.

The clerk read the resolution in full.

Resolution adopted.

#### ENROLLED BILLS AMENDMENT

HB 47, relative to traffic surveys and truck weight surveys.  
(Amendment in Senate Journal of April 29.)

Adopted.

#### SENATE ADOPTION OF ENROLLED BILLS AMENDMENT

HB 47, relative to traffic surveys and truck weight surveys.

#### RECONSIDERATION

Rep. Bowles, having voted with the majority, moved that the House reconsider its action in concurring in the Senate amendment to HJR 8, relative to retirement credit for Herbert R. Hagstrom, and spoke against the motion.

Motion lost.

#### UNANIMOUS CONSENT

Reps. Richard Bradley and Buckman addressed the House by unanimous consent.

The Speaker announced that today is the 69th birthday of Rep. Romeo Lesage.

## RESOLUTION

On motion of Rep. Trowbridge the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

Third readings and passage by House

HB 709, relative to the use of credit union funds.

HB 489, relative to the sentence for murder and the proceedings to determine the sentence.

HB 586, making it unlawful to operate a motor vehicle while in possession of a controlled drug.

HB 661, repealing the urine test under the implied consent law.

HB 744, increasing the amount of money payable to certain town officers' associations.

HB 745, providing for the removal of a town clerk.

HB 529, relative to the destruction and removal of boundary markers.

HB 591, relative to organized time trials for motor vehicles on certain public highways.

SB 125, to repeal certain statutes relative to the width of rims of wagon wheels and to chaining wheels on hills.

HB 719, relative to directors of savings and commercial banks.

HB 564, relative to increasing the membership of the advisory commission on health and welfare.

HB 582, regulating outdoor advertising on the interstate, federal aid systems, and turnpikes.

HB 525, relative to incompatibility of town offices.

HB 536, relative to the taking of land for state park facilities in the town of Rye.

### RECONSIDERATION

Rep. Greene, having voted with the majority, moved that the House reconsider its action in passing HB 536 and spoke against the motion.

Motion lost.

HB 549, relative to revisions and supplements to the law enforcement manual and making an appropriation for an additional printing of the manual.

HB 497, relative to additional votes for supervisory union personnel based on a ratio of student population.

### RECONSIDERATION

Rep. Lemieux, having voted with the majority, moved that the House reconsider its action in passing HB 497 and spoke against the motion.

Motion lost.

HB 458, prohibiting the use of motorboats on Berry Pond in Moultonborough.

### RECONSIDERATION

Rep. Clafflin, having voted with the majority, moved that the House reconsider its action in passing HB 458 and spoke against the motion.

Motion lost.

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On motion of Rep. Shirley Welch the House adjourned at 3:12 P.M. in honor of Rep. and Mr. McGee's 41st Wedding Anniversary.

*Tuesday, 4May71*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain, Rev. William L. Shafer.

ALMIGHTY GOD, as we acknowledge Thee as Creator and Sustainer of all life, as we rejoice in the wonders of this world, may we also accept the responsibilities to preserve these gifts for generations to come. Help us to use our talents for realizing our best, of our substance for the causes of righteousness, and of our resources to extend truth and justice. In this day of our opportunity to serve, we should hearken to those imperatives to build our lives upon motives and mission worthy of our high calling and sacred trust. As You have been our help in ages past and our hope for years to come, grant us such care and guidance to dispel the clouds of doubt and inspire trust in the triumph of goodness. Bring us to give of ourselves and of all You have entrusted to us in the confidence that such dedication is not in vain when we honor You, O GOD. Amen.

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Rep. Sweeney, who is celebrating his 37th birthday today, led the Pledge of Allegiance.

## TENTH BIENNIAL REPORT

Report to the 1971 Session of the General Court Concerning the Administration of the Old Age, Survivors and Disability Insurance Program for Public Employees in New Hampshire for the Period from January 1, 1969 through December 31, 1970.

### Status of Program

As of December 31, 1970 the State of New Hampshire and 400 of its political subdivisions were reporting the wage of their employees for Social Security purposes to the State Agency, the N.H. Division of Welfare. Wage reports are being processed from a total of 606 reporting entities.

The number of political subdivisions and reporting entities has increased slightly over the number listed for December 31,

1968. The formation of cooperative school districts with the resultant deletion of the dissolved school districts from the agreement keeps the increase in the number of reporting entities to a minimum.

However, the total wages paid, the total wage contributions collected and the number of employees reported continues to increase each biennium. Some of the increase is due to the increases in the Social Security wage contribution rate and maximum wage base set by Congress. The balance of the increase is due to the increase in State and local employment.

The only major groups of public employees not covered by OASDI in New Hampshire are the State Police, the permanent policemen and permanent firemen in the cities and towns, and the employees of the City of Nashua Highway Department. Each of these groups is covered by a public retirement system that is not integrated with Old Age, Survivors, and Disability Insurance at this time.

### Growth of the Program

In calendar year 1969 five modifications to the New Hampshire State Social Security Agreement were approved which extended OASDI coverage to the employees of the following political subdivisions:

1. New Hampshire Supervisory Union No. 29—Unit 001
2. Mascenic Regional School District—Unit 001
3. Waterville Valley School District—Unit 001
4. Contoocook Valley School District—Units 001 and 002
5. Town of Deerfield
6. Town of Hollis
7. Town of Raymond
8. Claremont Housing Authority
9. Town of Canaan
10. Wilton-Lyndeborough Cooperative School District—Unit 002
11. Haverhill Cooperative School District—Unit 001

12. Wilton-Lyndeborough Cooperative School District—  
Unit 001 TRS

There were seven modifications to the New Hampshire State Social Security Agreement approved in calendar year 1970, which resulted in OASDI coverage for the following political subdivisions:

1. Wilton-Lyndeborough Cooperative School District—  
Unit 001
2. Haverhill Cooperative School District—Units 001 and  
002
3. Lisbon Regional School District—Unit 001, 002 and  
003
4. Exeter Housing Authority
5. Hopkinton Village Precinct
6. Warren School District—Unit 002
7. Conway Village Fire District
8. Town of Swanzey
9. Jaffrey-Rindge School District—Unit 001 TRS
10. Jaffrey-Rindge School District—Unit 002
11. Lafayette Regional School District—Units 002 and 003
12. Rollinsford Sewer District

### Legislation

Chapter 73 of the laws of 1969 was approved April 4, 1969 and became effective June 3, 1969. This act permitted those political subdivisions already enrolled under the state-local OASDI program to amend their agreements with the State Agency to exclude from coverage the services of election officials or election workers if the remuneration paid in a calendar quarter for such service is less than fifty dollars.

This act also permitted political subdivisions enrolling their employees under OASDI for the first time to exclude from such coverage the services of election officials or election workers if the remuneration paid in a calendar quarter for such service is less than fifty dollars.

In 1970 two modifications to the N.H. State Social Security Agreement were approved excluding the services of election officials or election workers from the agreements of 58 towns, two cities and two precincts and districts.

### Terminations

The Haverhill Cooperative School District was formed July 1, 1969 from the Haverhill School District and the Woodsville School District, which were dissolved on the same date. These dissolved school districts were deleted from the N.H. State Social Security Agreement by Partial Termination No. 15 approved October 23, 1969.

The Lisbon Regional School District was formed July 1, 1969 from the Lisbon School District, the Lisbon Special School District and the Lyman School District. These three school districts were dissolved on the same date and were deleted from the N.H. State Social Security Agreement by Partial Termination No. 15 approved October 23, 1969.

The Brookfield School District was annexed by the Governor Wentworth Regional School District effective July 1, 1967 by vote of the voters of the two above-named school districts at district meetings in 1966. Brookfield School District was deleted from the N.H. State Social Security Agreement by Partial Termination No. 16 approved March 23, 1970.

### Referenda

The following referenda were held on the dates specified for those employees of the following newly-formed school districts whose positions were covered by the N.H. Retirement System. The eligible employees voted on whether they wished to continue their OASDI coverage in the newly-formed school district. All referenda were in the affirmative. The school districts voting were as follows:

School District	Date of Referendum
1. Waterville Valley School District	January 3, 1969
2. Contoocook Valley School District*	January 6, 1969
3. Wilton-Lyndeborough Cooperative School District	December 2, 1969

- |  |                  |
|--|------------------|
| 4. Lisbon Regional School District       | January 28, 1970 |
| 5. Haverhill Cooperative School District | January 29, 1970 |
| 6. Lafayette Regional School District    | October 28, 1970 |

\* two referenda were held on the same day January 6, 1969. One was for the members of the Employees' Retirement System of New Hampshire and the other was for the members of the N.H. Retirement System.

### Budget Recommendations

#### OASDI for General Fund—State Departments

The State Agency recommends that the sum of \$2,441,250 be appropriated for the next biennium to pay the employers' share of OASDI wage contributions payable on the employees of general fund state departments. The amount to be appropriated each year is listed below:

July 1, 1971 to June 30, 1972	\$1,190,750
July 1, 1972 to June 30, 1973	1,250,500
Total	\$2,441,250

A 5% increase in general fund state departments' total wages was estimated for each year of the biennium, but no provision was made for a pay increase for State employees.

#### State's Share of Public School Teachers and Nurses OASDI

The State Agency recommends that the sum of \$3,548,240 be appropriated for the next biennium to pay the state's 40% share of the employer's OASDI wage contributions payable on public school teachers and nurses whose positions are covered by the New Hampshire Teachers' Retirement System and the New Hampshire Retirement System.

The amount to be appropriated each year is listed below:

July 1, 1971 to June 30, 1972	\$1,650,344
July 1, 1972 to June 30, 1973	1,897,896
Total	\$3,548,240

A 15% to 16 $\frac{2}{3}$ % increase in teaching positions and teachers' salaries was estimated for each year of the biennium.

## Tables

Comparison of Membership, Wage Contributions and Number of Employees Reported in Biennium Ended December 31, 1966, December 31, 1968 and December 31, 1970

Table I

	Dec. 31, 1966	Dec. 31, 1968	Dec. 31, 1970
Number of Political Subdivisions	406	392	400
Number of Reporting Units	623	593	606
Highest Quarterly Wages Subject to Contributions	\$31,754,908.42	\$39,638,727.26	\$51,751,489.87
Highest Quarterly Wage Contributions	2,667,412.35	3,488,207.97	4,967,977.68
Highest Number of Employees Reported	30,463	34,452	37,146
Highest Number of State Employees Reported	7,566	7,881	9,153
Highest Number of County Employees Reported	1,638	1,775	2,164

Amount of Wage Contributions Paid and Number of Employees Reported Under New Hampshire State-Local Old Age, Survivors, and Disability Insurance Program by Quarters, January, 1969 through December, 1970

Table II

Quarter Ended	Wages Subject to Contributions	Wage Contributions 9.6%	Number of Employees Reported
3-31-69	39,227,233.19	3,763,176.27	33,370
6-30-69	43,854,521.12	4,210,034.09	34,628
9-30-69	29,987,495.52	2,878,799.56	33,654
12-31-69	34,063,753.56	3,270,120.41	35,144
3-31-70	44,838,677.60	4,304,396.76	34,928
6-30-70	51,751,489.87	4,967,977.68	36,363
9-30-70	33,195,772.47	3,186,672.04	36,222
12-31-70	36,773,471.78	3,530,041.45	37,146

State Employees—Amount of Wage Contributions Paid and Number of Employees Reported Under Old Age, Survivors and Disability Insurance Program by Quarters, January, 1969 through December, 1970.

Table III

Quarter Ended	Wages Subject to Contributions	Wage Contributions 9.6%	Number of Employees Reported*
3-31-69	10,534,344.04	1,011,297.03	7,980
9-30-69	10,727,615.69	1,029,851.10	8,519
12-31-69	8,472,452.31	813,355.42	7,554
3-31-70	12,516,842.13	1,201,616.85	8,069
6-30-70	12,542,378.64	1,204,068.35	8,510
9-30-70	12,261,586.92	1,177,112.34	9,153
12-31-70	8,823,324.52	847,039.15	8,015

\* Includes all temporary, part-time and seasonal positions and paid members of state boards and commissions.

\* Includes all temporary, part-time and seasonal positions and paid members of state boards and commissions.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 918 through 926 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 918, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1972, and June 30, 1973. (Drake of Coos Dist. 3 — To Appropriations.)

HB 919, exempting certain municipal water companies from classifications as public utilities. (Raymond of Cheshire Dist. 13 — For Rules Committee — To Municipal and County Government.)

HB 920, extending the authority of the water supply and pollution control commission. (Tilton of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 921, relative to the membership of the city of Manchester personnel department. (McDonough of Hillsborough Dist. 32 — To Special Committee — Manchester Delegation.)

HB 922, providing for special license plates for motor vehicles of blind veterans. (Conley of Carroll Dist. 4; Boucher of Rockingham Dist. 4 — To Transportation and Aeronautics.)

HB 923, relative to the parking of motor vehicles by disabled war veterans. (Conley of Carroll Dist. 4; Boucher of Rockingham Dist. 4 — To Claims, Military and Veterans Affairs.)

HB 924, including certain disabled persons in the class of persons permitted to hunt on islands. (Conley of Carroll Dist. 4; Boucher of Rockingham Dist. 4 — To Fish and Game.)

HB 925, relative to the department of personnel of the city of Manchester. (McDonough of Hillsborough Dist. 32 — To Special Committee — Manchester Delegation.)

HB 926, to amend the charter of the city of Rochester relative to registration for voting and absentee voting. (Carignan of Strafford Dist. 12 — To Special Committee — Rochester Delegation.)

## LEAVES OF ABSENCE

Rep. Towle, the day, illness.

Rep. Ruth Griffin, the week, illness.

Rep. Roger Duhaime, the day, important business.

Reps. Cleon Gardner and Zachos, the week, important business.

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 47, relative to salary increases upon certification and eligibility for certification of certain medical personnel. Public Health and Welfare

SB 83, making appropriations for an addition to Snively arena. Appropriations

SB 91, naming a certain mountain in the town of Odell, Muise Mountain. Resources, Recreation and Development

SB 98, increasing the state guarantee for certain school construction programs. Education

SB 109, legalizing the annual meeting of the town of Goffstown, March 9, 1971. Municipal and County Government

SB 111, permitting any town to account on a fiscal year basis, permitting semi-annual tax collection in all towns and providing for an optional town meeting date. Municipal and County Government

SB 113 to increase the penalties for driving while intoxicated or under the influence of drugs. Judiciary

SB 146, authorizing the prosecution to take depositions of certain witnesses in criminal cases. Judiciary

### SENATE MESSAGES CONCURRENCE ON SENATE BILL WITH HOUSE AMENDMENT

SB 16, relative to the establishment of the position and salary of the associate justice and deputy clerk of the Nashua district court.

(Amendment printed in HJ, April 28, p. 915-7)

### ACCEDED TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 277, relative to the power of New England Aeronautical Institute to grant degrees.

The President appointed Senators English and Downing.

### CONCURRENCE ON

HB 265, prohibiting the use of motor boats on Mirror Lake in Woodstock.

HB 314, providing for investigation of a lake management structure on Silver Lake.

HB 426, clarifying the powers of assistant moderators to administer oaths.

HB 429, prohibiting the renaming of certain natural and man-made formations in the state.

HB 443, increasing the debt limit for school construction in the town of Bedford.

HB 490, relative to the New Hampshire annual conference of the Methodist Church.

HB 654, relative to the associate degree programs of Keene and Plymouth state colleges.

#### CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 203, relative to professional services.

(Amendment printed in SJ, April 29, 1971)

Rep. Frizzell moved that the House non-concur with the Senate amendment and requested that a Committee of Conference be established.

Adopted.

The Speaker appointed Reps. Zachos, Palmer and Alukonis.

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HB 578, to amend the New Hampshire higher educational and health facilities law.

(Amendment printed in SJ, April 29, 1971)

Rep. Bowles moved that the House non-concur with the Senate amendment and requested that a Committee of Conference be established.

Adopted.

The Speaker appointed Reps. Bowles, Hughes and Lemieux.

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HB 149, relative to the dollar limitation on recovery in wrongful death actions.

(Amendment printed in SJ, April 29, 1971)

Rep. Frizzell moved that the House non-concur with the Senate amendment and requested that a Committee of Conference be established.

Adopted.

The Speaker appointed Reps. Andrews, Nighswander and Brummer.

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### ENROLLED BILLS REPORT

HB 104, to provide life insurance for national guardsmen while on active state duty.

SB 38, authorizing town by-laws on snow removal.

HJR 21, in favor of William J. Wilson of Canterbury.

HJR 26, to reimburse Reginald Pelkey for damage done to his automobile and making an appropriation therefor.

Roxie A. Forbes  
For the Committee

UNDER RULE 58 REPORT REQUIRED ON MAY 5  
on the following bill:

HB 600, relative to the administration of the revenue laws and making an appropriation therefor.

### BILLS PLACED ON CALENDAR UNDER RULE 57 (Overdue for Report)

#### Judiciary

HB 532, constituting the Merrimack district court.

#### Municipal and County Government

HB 566, relative to the taxation of house trailers or mobile homes.

HB 619, amending the New Hampshire unit ownership of real property act.

#### Executive Departments & Administration

HB 617, permitting secretary of state to return to sender incorrect checks received as payment of fees.

**Rockingham County Delegation**

HB 632, relative to an assistant county attorney for Rockingham County.

Placed on the Calendar for May 11.

Rep. Bigelow requested a six day extension on HB 643, relative to supervisory audits of credit unions.

Granted.

Rep. MacDonald requested a six day extension on HB 623, extending the application of the right to know law to the legislature and all its committees.

Granted.

Rep. Zachos requested a six day extension on HB 417, relative to students civil rights, and SB 58, to prohibit any special justice or associate justice of a district court from practicing law in any district court.

Granted.

**COMMITTEE REPORTS****SJR 13**

making a supplementary appropriation for the liquor commission for fiscal year 1970-71. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

**HB 748**

continuing in existence the state commission on the status of women. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Status of women legislation was passed in 1969. It was a compromise bill and some provisions were unworkable or could be improved upon. This bill updates legislation to make commission more workable. No money involved.

**AMENDMENT**

Amend RSA 19-B:1 as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

19-B:1 Commission Established. There is hereby created a state commission on the status of women, hereinafter called the commission, consisting of fifteen members. The members of the commission shall be appointed by the governor for the following terms: The chairman shall serve for a term of three years, the vice-chairman for a term of three years, the recording secretary and the treasurer for terms of three years each. The appointment of the remaining members of the commission shall be appointed so that three members shall be appointed for a term of one year, four members for a term of two years, and four for a term of three years.

Amend RSA 19-B:4, I as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Stimulate and encourage throughout the state study and revision of the statutes relative to women in this state.

Amendment adopted.

Ordered to third reading.

#### **HB 625**

relative to the authority of the director of the fish and game department to close the season for taking wild deer. Inexpedient to legislate. Rep. Maynard for Fish and Game.

Covered by RSA 208:4-a.

Resolution adopted.

#### **HB 684**

providing that a helper may set or haul lobster and crab traps only in the presence of and aboard a boat belonging to a licensed lobsterman. Ought to pass. Rep. Randall for Fish and Game.

A lobster fisherman may have a helper to haul lobster and crab traps belonging to a licensed lobsterman.

Ordered to third reading.

#### **HB 686**

to provide that New Hampshire residents sixty-five years of age or over shall receive free lifetime hunting and fishing licenses. Ought to pass with amendment. Rep. Huggins for Fish and Game.

Persons sixty-eight years of age or over shall receive free lifetime hunting and fishing licenses.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### An ACT

to provide that New Hampshire residents sixty-eight years of age or over shall receive free lifetime hunting and fishing licenses.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Hunting and Fishing Licenses. Amend RSA 214:7-a as inserted by 1959, 254:1 and amended by 1963, 78:1 by striking out said section and inserting in place thereof the following: 214:7-a Persons Over Sixty-eight Years of Age. Any resident of this state who is sixty-eight years of age or over may make application, to any authorized agent of the state for the sale of fishing and hunting licenses, for a special license to fish and hunt, under the restrictions of this title. Such license shall be marked in such manner as the director may designate and there shall be no fee for such license. Such license shall be effective for said resident during the remainder of his life, unless sooner suspended or revoked.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1972.

Amendment adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. George Roberts, having voted with the majority, moved that the House reconsider its action in ordering HB 686 to third reading and spoke in favor of his motion.

Adopted. Referred to Appropriations.

**HB 585**

providing for the forfeiture of motor vehicles and other property used in violations of the controlled drug act involving narcotic drugs. Refer to Judicial Council. Rep. Record for Judiciary.

Bill has far-reaching consequences involving lien law and rights of owner of vehicles; should be studied further.

Resolution adopted.

**HB 662**

relative to extending the jurisdiction of local police by consent. Ought to pass. Rep. Palmer for Judiciary.

Gives local police flexibility only on written request, similar to that in practice among fire departments and other mutual aid situations.

Referred to Appropriations.

**HB 664**

providing procedural amendments to the search warrant statute. Ought to pass. Rep. Record for Judiciary.

Amends current search warrant statute to allow judge to direct that a search warrant can be returned to some other court.

Ordered to third reading.

**HB 752**

requiring the destruction of certain court records. Inexpedient to legislate. Rep. Drabinowicz for Judiciary.

No demonstrated need for this legislation. It would be very tedious to carry out.

Resolution adopted.

**HB 809**

relative to industrial homework. Inexpedient to legislate. Rep. Knight for Labor, Human Resources and Rehabilitation.

Would work a hardship on more people than it would benefit.

Resolution adopted.

**HB 601**

eliminating the inclusion of interest charges in the limits on state guarantees of municipal sewage bonds. Ought to pass. Rep. Ezra Mann for Municipal and County Government.

Referred to Appropriations.

**HB 614**

requiring certain individuals to register the fact of their residence for the purpose of determining municipal responsibility for aid to certain persons. Inexpedient to legislate. Rep. Tripp for Municipal and County Government

Resolution adopted.

**HB 691**

increasing certain town clerk fees. Ought to pass. Rep. Allen for Municipal and County Government.

Ordered to third reading.

**HB 764**

increasing the bond required of certain county officers. Ought to pass. Rep. Timothy O'Connor for Municipal and County Government.

Ordered to third reading.

**HB 731**

authorizing the use of state hospital doctors to work in community health clinics. Inexpedient to legislate. Rep. Helen Wilson for Public Health and Welfare.

Inexpedient at request of sponsor.

Resolution adopted.

**HB 669**

to eliminate the blood test requirement for barbers and hairdressers. Ought to pass. Rep. Goodrich for Public Health and Welfare.

Obsolete — Covered by other legislation.

Ordered to third reading.

**SB 63**

providing that experts involved in tests under implied consent statute are not required for court testimony unless prior notice is given. Ought to pass. Rep. Hamel for Transportation.

Amends law so that person who performs a chemical test under the Implied Consent Law does not have to appear in court personally unless requested. Today most courts accept written evidence of the test results.

Ordered to third reading.

**HB 442**

limiting the real estate tax exemption for ex-servicemen. Inexpedient to legislate. Rep. Twardus for Ways and Means.

There was little sentiment in committee for changing the present veterans exemption.

Resolution adopted.

**HB 615**

permitting abatement of uncollectible interest and dividend taxes. Ought to pass. Rep. Brocklebank for Ways and Means.

This is a housekeeping bill to allow the tax commission to abate certain uncollectible interest and dividends taxes rather than carry them indefinitely on the books. A total of only \$800 is involved.

Ordered to third reading.

(Speaker in the Chair)

**HB 754**

to provide for the licensing of plumbers, and installers of water pumps and water conditioners. Ought to pass. Rep. Moran for Executive Departments and Administration.

Committee feels that the health and welfare of the people of New Hampshire *needs* to be protected — especially since there is much development going on in the state which can lead to extensive pollution.

Rep. Levy moved that HB 754 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Rep. LaMott spoke against the motion.

Rep. Hardy spoke in favor of the motion.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

Rep. LaMott requested a division.

187 members having voted in the affirmative and 101 in the negative, the motion carried.

### HB 799

relative to the board of arborists. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

A housekeeping bill. Just changes wording in present statute from old wording of *entomologist of the agricultural experiment station* to *state entomologist*.

### AMENDMENT

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 State Entomologist. Amend RSA 222:2 (supp) as amended by 1961, 223:3; 1965, 368:4 and 1967, 270:8 by striking out said section and inserting in place thereof the following: 222:2 Board of Examiners. The director of the division of resources development, department of resources and economic development, the commissioner of agriculture, and the state entomologist shall constitute a board for the examination of arborists. If they are satisfied, on examination of an applicant, that he is qualified to improve, protect, and preserve fruit, shade, ornamental, and forest trees, they may issue a certificate stating that he is a registered arborist. Such certificate shall expire at the close of the calendar year unless sooner revoked as provided in section 3, and may be renewed by the board for succeeding years without further examination upon the payment of the required fee. Any person, firm, or corporation receiving such certificate shall be responsible for the acts of all employees in the performance of such work. One member of each crew operating a piece of equipment applying pesticides as defined in RSA 149-D:3 (II) must be registered as required by RSA 149-D:5 (III). As a condition for the renewal of a certificate, the board of examiners or arborists shall require the certificate holder to submit for filing with the pesticides control board his records of the previous year's application of pesticides the same as required from persons holding a registration or permit from the pesticides control board.

Amendment adopted.

Ordered to third reading.

**HB 545**

permitting the conduct of beano games on Sunday and increasing the fee for beano licenses. Ought to pass with amendment. Rep. Adams for Statutory Revision.

This bill will allow Sunday Beano in those towns and cities which have already adopted Beano. This may be rescinded at the local level by petition of ten or more voters by referendum on ballot. Raises fee to \$25.00.

**AMENDMENT**

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Limitation on Sunday Beano. Amend RSA 287:2, VIII by striking out the same and inserting in place thereof the following: VIII. No games shall be conducted prior to eleven o'clock in the forenoon on a weekday or prior to noon on a Sunday or subsequent to eleven o'clock in the nighttime of the same day.

4 Application. On and after the effective date of this act the allowance of Sunday beano effected by this act shall be operative in any city or town which had previously adopted RSA 287 as constituted prior to said effective date. Beginning with the said effective date, with respect to RSA 287, any adoption of said chapter pursuant to RSA 287:7 and any revocation of an adoption pursuant to RSA 287:8 shall be deemed to include the allowance of said chapter for Sunday beano.

5 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 229**

to establish a state sweepstakes, gambling and gaming commission, and making an appropriation therefor. Inexperient to legislate. Rep. Reddy for Ways and Means.

The committee was convinced of the undesirability of the state running gambling casinos.

Rep. Sayer moved that the words, ought to pass, be sub-

stituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Reddy moved that HB 229 be indefinitely postponed and spoke in favor of the motion.

Reps. Belzil, Lawton, Gordon, Robinson and Raiche spoke against the motion.

(discussion)

Reps. Greene, Palmer, Allen, Spirou, Menge, McLane, Levy, George Roberts and James O'Neil spoke in favor of the motion.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

Rep. Buckman requested the yeas and nays; sufficiently seconded by five members.

## ROLL CALL

YEAS: 242      NAYS: 117

### YEAS

#### GRAFTON COUNTY:

Gardner, Van H., Rich, Tilton, McGee, LaMott, Mann, Ezra B., Anderson, Menge, Bradley, David H., Nutt, Gemmill, Dow, Tremblay, Dudley, Merrill, Altman, Blain, Bell, Bradley, Richard L., Mitchell.

#### HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Sawyer, Barnard, Knight, Poehlman, Colburn, Daloz, Mann, Arthur F., Murray, Heald, Philip C., Warren, Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Brocklebank, Hall, Bouchard, Maurice L., Parker, Gerry F., Drabinowicz, Cote, Margaret S., O'Neil, Robert, Grandmaison, Davidson, Bissonnette, Coutermarsh, Gabriel, Keeney, Peabody, Arthur H., Bridges, Harvell, Van Loan, Abbott, Ainley, Daniels, Milne, Montplaisir, Murphy, Francis, McDermott, Spirou, Boisvert, Emile E., Sysyn, Simard, Belanger.

## MERRIMACK COUNTY:

Andrews, Sherman, Bigelow, Parker, Harry C., Reddy, Hanson, Enright, Little, Bartlett, Avery, Perkins, Kopperl, Burleigh, Piper, Greeley, Mattice, Humphrey, James A., Michels, Cate, York, Edward H., Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, MacDonald, Sanders, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley B., Tarr.

## ROCKINGHAM COUNTY:

Fernald, Stimmell, Wilson, Helen F., Griffin, Margaret A., Adams, MacGregor, Read, Senter, Lovell, Clark, Ernest D., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Goodrich, Vey, Twardus, Scamman, Eastman, Junkins, Page, Varrill, Hamel, Randall, Cheney, George L., Fiske, Cunningham, Langley, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Maynard, Chandler, Dame, Palfrey, Bowles, Jameson, Levy.

## STRAFFORD COUNTY:

McIntire, Stevenson, Douglas M., Beckett, Clark, Shirley M., Tirrell, Maloomian, Boire, Ineson, Thompson, Barbara C., Ruel, Beaudoin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Leighton, Bernard, Webber, Fellows, Mudgett, Richardson, Harriett W. B., Maglaras.

## SULLIVAN COUNTY:

Townsend, Chase, Donald R., Gaffney, Rousseau, Campbell, Nahil, Spaulding, Roma A., Barrows, Downing, Flint, Saggiotes, Frizzell, Galbraith, Fleming, Williamson.

## BELKNAP COUNTY:

Urie, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Mutzbauer, Drouin, Huot, Head, Prescott, Dulac, Randlett, Maguire, Whittemore.

## CARROLL COUNTY:

Cox, Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Claflin, Hughes.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Trowbridge, Allen, Bennett, Johnson, Elmer L., Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Ames, Saunders, Heald, Cleon E., Streeter, Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Huggins, Noyes, Hunt, Mayhew, Drake, Lee, Burns, O'Hara, Dubey, Fortier, Desilets, Studd, Brungot, Kidder, Richardson, Mabel L.

## NAYS

## GRAFTON COUNTY:

Stevenson, Malcolm J., Higgins, Brummer, Chamberlin, Foster, Hopkins, Buckman, Sears.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Monier, Weillbrenner, Karnis, Eaton, Clyde S., Belzil, Belcourt, Lesage, Trombley, Mason, Desmarais, Lachance, Chamard, Aubut, Boisvert, Wilfrid A., Ouellette, Siroir, Alukonis, Bednar, Dwyer, Lyons, Ackerson, Cote, Joseph L., Dion, Duhaime, Armand L., Cullity, Manning, Walsh, Barrett, Clancy, Lynch, John T., McDonough, Leclerc, Champagne, Chevette, Derome, Lemieux, Raiche, St. Onge, Robinson, Lynch, Doris T., O'Connor, James P., Sweeney, Clear, Lamy, Murphy, Dennis J., Levasseur, Martineau, Allard, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

## MERRIMACK COUNTY:

Hardy, Riley, Gamache, Gordon, Thompson, Doris L., Dempsey, Chapley, Howland.

## ROCKINGHAM COUNTY:

Boucher, Soule, Belair, Gelt, Morrison, O'Neil, Robert E., Sayer, Smith, Philip A., Greenwood, Sewall, McEachern, Quirk, Woods.

## STRAFFORD COUNTY:

Canney, Smith, Elmer C., Joncas, Habel, Chasse, Hebert, Peabody, Raymond B., Kinney, Parnagian.

## SULLIVAN COUNTY:

Burrows, D'Amante.

## BELKNAP COUNTY:

Lawton, Hood.

## CARROLL COUNTY:

Howard, Donald K., Davis, Esther M., Lagroe, Webster.

## CHESHIRE COUNTY:

Forbes, Cournoyer, Forcier, McGinness, Vogel.

## COOS COUNTY:

Cook, Bushey, Roy, York, Elmer H., McQuin, Oswell, Bouchard, Gagnon, Theriault.

and HB 229 was indefinitely postponed.

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Rep. Drake explained committee action on the operating budget bill, HB 918.

## REMARKS OF REP. DRAKE

I rise to inform you that the budget bill introduced today does not meet the basis of 130½ million available dollars. Your Appropriation Committee toiled long and hard in an honest effort to reach this base but by 1 a.m. on last Saturday morning, when the last sub-committee report had been adopted, we had only reached the 144 million level.

We then had two alternatives. To get a budget bill onto the floor today, we could submit it at the 144 million level or eliminate virtually all remaining grant and aid programs to the towns and cities. Since we had already cut these programs by 12% or more, we could not honestly sustain nor did we feel the house would support any further reductions in these areas. If

the house does not support the introduction of this budget, we can quickly reduce the level to 130 1/2 million by proposing a freeze in the reimbursement to cities and towns for stock in trade and machinery at the 1971 level and make up 4.1 million. We could then take the balance of approximately 10 million out of community assistance programs.

We are unable to reduce four major budgets which made the 12% reduction impossible in the overall picture; namely the liquor commission; Administration and Control; State Treasury and U.N.H. System.

In liquor budget, to provide the revenue projection, some added store renovations plus an extra \$170,000 in new transportation contracts. If reductions had been made, the revenue picture would also change downward; \$200,000 reduced below Governor's recommendation.

In the Administration and Control budget an increase of social security payments for state employees and teachers (40%) came to \$1,732,000. (In spite of other cuts) . \$100,000 also transferred from Dred Budget for New England Regional Commission. In State Treasury budget, there was an additional amount of \$1,250,000 for normal requirements into the retirement system.

The operating budget of the U.N.H. system was reduced to 12.2% below the 1970-71 level but the debt service increase of 2.4 million virtually eliminated that reduction. Mrs. Weeks has information.

Just to prevent an additional 2.75 million of added spending above the 1970-71 level, all salaries have been frozen at the 1971 level. We have also abolished 544 positions (about 1/2 filled) . We have added virtually no new jobs and those primarily in the revenue producing agencies.

We have reduced expenses, supplies, travel, equipment etc. in every department to a level below 1970-71 wherever humanely possible and in many departments where it wasn't. I do not believe there is a drop of fat or waste in this budget. The committee urges the adoption of this resolution. This budget will be posted for public hearing immediately if you do. This is only the first step in the whole budgeting process.

In my opinion, this is a completely inadequate budget on availability of funds from present sources. It is my opinion that an additional sum of at least 40 million is necessary just to maintain present budgets, program and community assistance.

Rep. Raymond, subcommittee chairman, explained the subcommittee action relative to the Industrial School and State Prison.

### REMARKS OF REP. RAYMOND

I'll refer only to one or two institutions primarily. First, The Industrial School. This budget was reduced \$256,080 below the 70-71 level. I will comment that the designed load of students in the industrial school is 185, that is combined boys and girls. The average load in the last two years has ranged from 197-201, which is over the designed load. The current load last week was 220 students. A few of these are only coming and going, waiting trial. The others are there for a predetermined length of time. This budget required a downward adjustment in permanent personnel and the personnel recommended in the Governor's budget totalling 34 persons. This means a drastic curtailment of probation personnel, a limiting in maintenance and service personnel, and a closing completely of one large dormitory, as well as no opening of the sick bay or infirmary that so many of you people worked to get the last session, myself included. I agree with Mr. Drake that I don't think that this is a workable budget if you are going to meet the needs of your people, the community or the state. This budget was cut \$269,335 for the first year of the biennium, to \$271,247 for the ensuing year. They had, if my memory serves me, \$16,000 increase in fuel bills alone. You might be interested in knowing that we, regardless of the limitations, put in enough money to meet what we hoped would be the fuel bill and footnoted it that it couldn't be — to expand it. Likewise the same for food. You might be able to feed and keep them warm, but I don't know where you will put them.

As far as the State Prison goes, this is a rather difficult situation. Seventeen new positions were not allowed, including five recommended in the Governor's budget. The balance of the budget, here again, was difficult to maintain because of added fuel costs, food costs and operating costs. However, the whole budget was cut \$252,346.00 below the last biennium; that was

\$119,000.00 roughly the first year, \$134,000.00 roughly the second year. Here again, fuel is — considered. You might be interested in knowing that in reviewing these itemized budgets, consideration was given to revenue as well as outgo; and then, in one instance, we increased the potential revenue figures \$27,000 in one year and \$35,000 in another year, where certain industries were not getting what we considered to be a factual amount for their services. This budget was not cut the total of 12.2% because you just could not reduce custodial personnel to the point where it became a great hazard for the community and for the people of the state. You just can't lock the doors and walk off.

Rep. Ferguson, subcommittee chairman, explained the subcommittee action relative to the Department of Health and Welfare.

#### REMARKS OF REP. FERGUSON

The health and welfare budget is made up of nine divisions representing about 35% of the state's total budget. We have cut the Governor's budget by 19 million dollars and the department's request by 26 million dollars. To make a 12.2% cut, we had to cut everywhere in each budget, people now working, as well as present programs, current expenses, equipment, etc. We took no meat ax approach to this and did not concentrate on appealing the dramatic or the emotional but made cuts in all divisions, all institutions and all programs. 416 people now working in this department will be eliminated. I will state the highlights of each department.

In the operational, we cut the travel, all the equipment, the Governor's contingency fund that he put in, and we created chaos in the accounting division which processes all checks for the welfare by a cut of salary in the welfare budget.

The advisory commission budget is a six thousand bienium budget, but we reduced this below last year's appropriation. The comprehensive health planning, present programs dealing with the planning and revenue of health facilities will be reviewed or curtailed and one assistant health planning director discharged.

In public health, we cut approximately 17 positions. We cut home health service funds by 30 thousand dollars, rehabilitation of crippled children's aid by 50 thousand dollars, cystic fibrosis by 7 thousand dollars and the care of T.B. patients in

general hospitals and nursing homes by 43 thousand dollars. We also eliminated the new program for the treatment of drug addicts and alcoholics and treatment centers, because it was a new program. At the New Hampshire Home for the Elderly, 20 positions were cut. Services were eliminated in occupational therapy, dental services, recreational motor trips, diagnostic X rays, all clerical therapy programs, preparing eyeglasses and dentures. There will be no overtime even for snow removal and no new or replacement equipment. The maintenance programs of 30 thousand dollars were abandoned with no out-of-state travel. There will be no increase in the present census above the 80 yearly average that they have now.

Coming to the welfare budget, under medical assistance, we eliminated programs on drugs, dental services, optometric services, chiropractic services, medical services to persons with catastrophic illness and the new service to persons with a five year treatment for mental illness. We will reduce payments to doctors 20%. The present budget for medical assistance was 25.7 million dollars over the biennium and the reduction allows only 14.4 million.

Under public assistance, we cut grants in all categories. I will give you an example of what this means. It means a person now living alone and receiving an average grant of 89 dollars a month will now get a grant of approximately 38 dollars a month. A person in a nursing home getting an average grant of 262 dollars a month will receive a grant of 109 dollars a month. Approximately 60% cut in the payment of foster payments for foster parents who provide board and care for children who are placed with them. There will be a 60% cut for day care centers for AFDC cases. There are similar cuts in every other area.

In the administrative area, the department requested 167 new positions for federally mandated programs. We cut those plus 35 of the present positions they now have. A 56% cut in the programs means not only a loss of 16.7 million dollars in state dollars but 50½ million dollars in total funds for state local and federal. As I said before, there will be chaos resulting in attempting to implement this budget because most grant cuts must be made by the July 15 payroll, and it means going to each individual district office and getting each recipients' file and adjusting the payment schedule on that.

Under mental health, our reductions mean an overall 25% reduction in grants to community mental health agencies be-

cause of federal funds involved. It will probably mean an increase in the New Hampshire Hospital and Laconia School. The New Hampshire Hospital with 12.2% cut means about a 15 million dollar state funded budget down from 17 million in the present biennium. Since 80% of their budget is in the area of permanent personnel services, we had to eliminate 202 positions. This will mean the discontinuation of the childrens services at both the Anna Philbrick Childrens Center and the Tobey Adolescent Unit. 70 to 80 persons will be returned to their homes. We discontinued the newly-formed drug unit and alcohol program and portions of the main building will have to be closed. The maintenance portion of their budget was cut and the decrease in hospital corporation will now cease. The hospital accreditation will probably be lifted. Again, in the Laconia State School, 80% of their budget is in personnel and the 922 thousand dollars cut will necessitate closing three or four dormitory buildings and the abolishment of permanent personnel connected thereto. We will return approximately 200 children to their homes and 150 people working will be eliminated. The waiting list will again perhaps be 200-225 from the present low of five and a three to five year wait will be made for placement. The institution again will be merely custodial in nature.

Rep. Weeks, subcommittee chairman, explained the subcommittee action relative to the Department of Education.

#### REMARKS OF REP. WEEKS

In dealing with the budget for the Department of Education I would point out to you first that 80% of the appropriation is money which is paid back directly to the local districts: 14½% goes for vocational technical schools and colleges, 2.5 for vocation rehabilitation, and only 3% to run the Department of Education. There are some 97 segments in the Education Budget, and they are asked to cut each segment by 12.2%. Some of them could not be cut this way, and the aid programs had to act as a sponge to take up the cuts which could not be made in other departments, and I would hold out to you some which were made; for instance, in the support of the Supervisory Union for Superintendent, Assistant Superintendent, to whom the state pays \$2700.00 toward the salary of each superintendent; this had to be cut. Its cut was \$2,190.00, but the real hardship comes to the supervisory unions whose budgets have already been passed, and they've got to absorb this deficiency, so

practically every school district in the state is going to feel the result of this reduction. I know that there are those districts who for the first time have been asked to fund the school lunch program, which has always been a federal program, but this year we must put in state money to the amount of \$205,005, and again the aid program must take a big slash which is the only place there is to get that kind of money. The Vocational Rehabilitation Division has had to curtail its activities. This is basically an 80% federal and a 20% state-funded program, and we must remember that for every dollar of state money we cut back we are losing four in federal funds. This cut will deny direct services to approximately 60 employable blind persons who otherwise could be employable. Vocational rehabilitation counselling will not be able to provide counseling and job placement for the blind clients because of the reduction in travel funds. The six counsellors, Manchester, Concord, Berlin, and Portsmouth offices will be discharged who have been supporting staff people. It has been decided that the blind workshop in Manchester, which is 100% state-supported, will be kept open as their minimum level, and this again will be paid out of the aid program. Every time we add to programs which are 100% state-funded, we must take the money from foundation aid, school building aid, and all the other aids that go into the community. There are other areas in Vocational Rehabilitation, intellectually handicapped, emotionally disturbed, support 45% less than in the previous biennium, for the deaf there'll be total loss of 60, in the speech therapy 75 less. All of these programs had to be cut to a low level because of the cuts in money.

In the area of the vocational technical institutes and colleges, they will all be running on a very minimum budget. The existing courses will be kept, but there will be no new ones, and incidentally I would point out: Some of you, and I think many, have been receiving telephone calls from nurses. The program has run in the summer session which has been very disturbing to the girls in that division because they felt that they would not be allowed to graduate, which is not true. There is money in the nursing program to carry us through the summer, and the girls now in their program will graduate.

For a summary of this I would say the cutbacks, as proposed, are serious, affecting the tax structure at the local district because we are adding additional support which was not anticipated. The programs for all handicapped people are seriously

curtailed. the vocational education at the secondary level is seriously impaired. The vocational school concept will have to be delayed. The drug program that was put in operation in August 1970 will be seriously affected, and in the second year of the biennium is completely eliminated. The vocational technical college programs are starved to the point where their efficiency could be questioned. This much in relation to the Department of Education.

In relation to the University Budget, we cut the operating budget by 12.2% as we were directed. We could not cut the Debt Service Charge. That is a very definite figure.

Because we were asked to use last biennium's level for funding . . . and no additional aid in the higher education budget was for Merrimack Valley, since they had no appropriation in the last biennium, it was difficult to add this much to a general budget which we were asked to cut, so we picked up the Governor's recommended figures. The funds for the University Budget had to come out of the Cooperative Extension Service. Here we could not cut 12.2%, so we cut programs, and we left in only enough money to fund the five area agents in agriculture and the 4-H Program for the young people. This is all that's left in our proposal for the Extension Service. In Educational TV we picked up their funding as it was given in the last biennium.

## RESOLUTION

Rep. James O'Neil offered the following House resolution:

I move that House Rule 32 (a) be so far suspended as to permit the Appropriations Committee to submit today a budget bill for the biennium which is not balanced within existing revenue sources as of January 1st, as set forth in the revenue resolution submitted by the Ways and Means Committee and adopted by the House on April 1, 1971.

Reps. Raiche and Trowbridge spoke in favor of the resolution.

Resolution adopted by the necessary two-thirds vote.

Rep. Raiche moved that the remarks of Rep. Drake and the subcommittee chairmen be printed in the Journal.

Adopted.

## ENROLLED BILLS REPORT

HB 47, relative to traffic surveys and truck weight surveys.

HB 260, requiring insurance companies to pay the cost of physical examinations where the insurer requires them before extending liability coverage.

HB 314, providing for investigation of a lake management structure on Silver Lake.

HB 426, clarifying the powers of assistant moderators to administer oaths.

HB 429, prohibiting the renaming of certain natural and man-made formations in the state.

HB 443, increasing the debt limit for school construction in the town of Bedford.

HB 490, relative to the New Hampshire annual conference of the Methodist Church.

HB 654, relative to the associate degree programs of Keene and Plymouth state colleges.

SB 125, to repeal certain statutes relative to the width of rims of wagon wheels and to chaining wheels on hills.

HJR 8, relative to retirement credit for Herbert R. Hagstrom.

Roxie A. Forbes  
For The Committee.

Reps. James O'Neil and Raiche offered the following Resolution:

## RESOLUTION

*Resolved*, that for the balance of the session the speaker be authorized to drop to the end of the calendar, action on any report on which notice has been given to the clerk of any question, amendment or motion to be offered from the floor.

The Clerk read the resolution in full.

Rep. O'Neil explained the resolution.

Adopted by the necessary two-thirds vote.

BILLS PLACED ON CALENDAR UNDER RULE 57  
(Overdue for Report)

Municipal and County Government

HB 463, providing for studies in each county to consider the advisability of home rule charter acts; amending certain provisions of the laws relative to counties and establishing a county regional government commission and making an appropriation therefor.

HB 542, to require cities and towns to provide tax maps.

HB 571, permitting sale of beer to persons who have attained the age of eighteen.  
were granted six day extensions.

**HB 522**

relative to the duties of the water supply and pollution control commission. Inexpedient to legislate. Rep. Clafin for Resources, Recreation and Development.

Resolution adopted.

On motion of Rep. J. O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

LATE SESSION

Third reading and passage by House

HB 615, permitting abatement of uncollectible interest and dividend taxes.

SJR 13, making a supplementary appropriation for the liquor commission for fiscal year 1970-71

HB 748, continuing in existence the state commission on the status of women.

HB 684, providing that a helper may set or haul lobster and crab traps only in the presence of and aboard a boat belonging to a licensed lobsterman.

HB 664, providing procedural amendments to the search warrant statute.

HB 691, increasing certain town clerk fees.

HB 764, increasing the bond required of certain county officers.

HB 669, to eliminate the blood test requirement for barbers and hairdressers.

SB 63, providing that experts involved in tests under implied consent statute are not required for court testimony unless prior notice is given.

HB 799, relative to the board of arborists.

HB 545, permitting the conduct of beano games on Sunday and increasing the fee for beano licenses.

### RECONSIDERATION

Rep. Lawton, having voted with the majority, moved that the House reconsider its action in passing HB 545 and spoke against the motion.

Motion lost.

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The Speaker announced that today is the 65th birthday of Rep. Emile Boisvert.

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On motion of Rep. Bennett, the House adjourned at 3:04 P.M.

*Wednesday, 5May71*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. William Marsell of the United Church of Christ, Gilmanton Iron Works.

ALMIGHTY GOD, our heavenly FATHER, in Whose hands are the issues of men and nations, we bow in humble reverence before Thee, and with grateful hearts acknowledge Thy manifold blessings to us, Thy people.

Through all the changed and changing circumstances of life, Thou hast made and preserved us as a people of this State.

O GOD of light and truth, in a strangely tangled time when confused cries echo through the world, we pray for leadership of faith.

Grant to those in authority, the prophet vision that they may be endowed with grace of insight, the gift of interpretation and the understanding of those whom they represent.

Give us vision of eternal values, leaders who are not afraid of the loneliness of following the highest they know. Show us the shame of the second best, the bitterness of a joy bought at the cost of common timidity.

In the time of prosperity fill our hearts with thankfulness, and in the day of concern and trial, suffer not our trust in Thee to fail; all of which we ask in the name of the FATHER and the SON and the HOLY SPIRIT. Amen.

Rep. Sanders led the Pledge of Allegiance.

#### UNANIMOUS CONSENT

Rep. Raiche addressed the House by unanimous consent.

Rep. Lemieux moved that Rep. Raiche's remarks be printed in the Journal.

#### REMARKS OF REP. RAICHE

Mr. Speaker, I rise today to defend the integrity, honesty, and sincerity of this House in general and of one of our legislators in particular, the Chairman of the Manchester delega-

tion, Marcel Vachon. He has been attacked by an individual in his Ward in Manchester because he did not take Rule 16, which is the conflict of interest rule.

You have made the same ruling as other speakers, before you, that is that Rule 16 is a matter of each individual's conscience and not one to be invoked on one person by another. Mr. Speaker, I personally concur with that ruling and have never felt that any member of this House should be questioned relative to his integrity.

I have won and lost legislation on the floor of this House and have never at any time castigated any individual for voting against me.

It is my belief that this House has maintained its integrity, its honesty, and its sincerity at all times.

I am proud to be a member of this house. I wish to thank the members of the House for allowing me to express my point of view in this delicate matter.

#### LEAVES OF ABSENCE

Rep. Towle, today and tomorrow, illness.

Rep. Record, the day, illness.

Rep. Roger Duhaime, today and tomorrow, important business.

#### RESOLUTION

Rep. J. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 927 through 937 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 927, requiring that moving costs of welfare recipients be paid directly to the movers. (Gordon of Merrimack Dist. 9 — To Appropriations.)

HB 928, prohibiting motorboats on Smith Meeting House Pond and Rollins Pond. (Roberts of Belknap Dist. 6 — For Rules Committee — To Environmental Quality and Agriculture.)

HB 929, to reduce the percentage of out-of-state students at the University of New Hampshire. (Gordon of Merrimack Dist. 9 — To Education.)

HB 930, relative to the prevention of pollution from dredging, filling, mining, or other construction. (Tilton of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 931, providing for special license plates for motor vehicles of paraplegics and amputees. (Conley of Carroll Dist. 4; Boucher of Rockingham Dist. 4 — To Transportation and Aeronautics.)

HB 932, establishing the working hours of certain state employees. (Bigelow of Merrimack Dist. 3 — To Labor, Human Resources and Rehabilitation.)

HB 933, amending the tax on meals and rooms. (Bigelow of Merrimack Dist. 3 — To Ways and Means.)

HB 934, relative to a program of risk-sharing to insure poor risks in the field of automobile, property, accident and health, and workmen's compensation insurance. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 935, relative to proof of ownership of motor vehicles. (Hanson of Merrimack Dist. 6; Vey of Rockingham Dist. 13 — To Transportation and Aeronautics.)

HB 936, providing that cooperative school districts may elect district officers at the time and places for the election of town officers in the towns which comprise the district. (Forcier of Cheshire Dist. 6; Allen of Cheshire Dist. 8; Cournoyer of Cheshire Dist. 6; Wilkinson of Belknap Dist. 3 — To Municipal and County Government.)

HB 937, to abolish the legislative study committee and to provide for the continuing operation of standing committees of the house. (Cobleigh of Hillsborough Dist. 15 — To Executive Departments and Administration.)

## VACATE

Rep. Claflin moved to vacate reference of the following House Bills from the committee on Environmental Quality and Agriculture to the committee on Resources, Recreation and Development.

HB 790, limiting the use of motor boats on Big Millsfield Pond.

HB 788, prohibiting the use of motor boats on Jericho Pond.

HB 879, relative to the use of motor boats on small bodies of water.

HB 928, prohibiting motor boats on Smith Meeting House Pond and Rollins Pond.

Adopted.

Rep. Frizzell moved to vacate reference of SB 61, relative to imposing sentences of commitment in criminal cases from the committee on Judiciary to the committee on State Institutions.

Adopted.

## SENATE MESSAGES

ACCEDED TO REQUEST FOR  
COMMITTEE OF CONFERENCE

HB 149, relative to dollar limitation on recovery in wrongful death actions.

The President appointed Senators Nixon and Leonard.

HB 203, relative to professional services.

The President appointed Senators Nixon and Downing.

HB 578, to amend the New Hampshire higher educational and health facilities law.

The President appointed Senators Tufts and Downing.

## SENATE CONCURRENCE

HB 214, making supplemental appropriations for the expenses of the department of health and welfare, industrial

school, and the state prison for the fiscal year ending June 30, 1971.

HB 434, repealing the statute permitting time trials of motor vehicles in Rollins State Park.

HB 516, relative to uniformed police officers in attendance at public dances, carnivals and circuses.

## INTRODUCTION OF SENATE BILLS

### First, second reading and referral

SB 89, relative to the distribution of state publications.  
Statutory Revision

SB 108, increasing the membership of the barbers' board.  
Public Health and Welfare

SB 153, clarifying the powers of counties and county conventions in determining salaries for county officers and providing that the county convention shall fill vacancies in county offices. Municipal and County Government

SB 147, relative to the voluntary retirement of supreme and superior court justices. Judiciary

## ENROLLED BILLS REPORT

HB 214, making supplemental appropriations for the expenses of the department of health and welfare, industrial school, and the state prison for the fiscal year ending June 30, 1971.

HB 434, repealing the statute permitting time trials of motor vehicles in Rollins State Park.

HB 516, relative to uniformed police officers in attendance at public dances, carnivals and circuses.

SB 63, providing that experts involved in tests under implied consent statute are not required for court testimony unless prior notice is given.

SJR 13, making a supplementary appropriation for the liquor commission for fiscal year 1970-71.

Roxie A. Forbes  
For The Committee.

## COMMITTEE REPORTS

**HB 735**

relative to unpaid rent for safe deposit boxes. Ought to pass. Rep. Lamy for Banks and Insurance.

Updating safe deposit regulations.

Ordered to third reading.

**HB 524**

relative to voting hours in small towns. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Resolution adopted.

**HB 630**

relative to housing authorities. Inexpedient to legislate. Rep. Barker for Municipal and County Government.

Resolution adopted.

**HB 774**

relative to county bonds and notes. Ought to pass with amendment. Rep. Randlett for Municipal and County Government.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Method of Sale. Amend RSA 28:24 (supp) as amended by 1969, 383:2 by striking out said section and inserting in place thereof the following: 28:24 Sale. All county bonds and notes, except tax anticipation notes maturing in less than one year, shall be sold (1) at public sealed bidding, (2) only after an advertisement calling for bids at least once in each of two successive calendar weeks in a newspaper of general circulation in the state of New Hampshire, and (3) to the highest bidder. Provided, however, that the county commissioners may reject any and all bids and may negotiate for said sale upon terms which they deem most advantageous to the county. Any bond sold under the provisions of this chapter shall not be sold for less than par.

Amendment adopted.

Ordered to third reading.

**HB 579**

providing for protection at the surface of persons diving in waters with the aid of mechanical apparatus. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Divers already effectively protect and police themselves.

Resolution adopted.

**HB 627**

requiring building permits from the state. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Information already available from other sources.

Resolution adopted.

**HB 439**

relative to extending the service fee on air carriers to all public landing areas supported, in whole or in part, by state and municipality or airport authority funds and to allocate said fees between the state and municipalities or airport authorities. Ought to pass. Rep. Nutt for Ways and Means.

A housekeeping matter for aeronautics commission to bring section 422:44 into line with the 1969 legislation affecting air carriers.

Ordered to third reading.

**HB 421**

reenacting sections of the stock in trade law, providing a tax on equipment, and providing certain penalties. Inexpedient to legislate. Rep. Reddy for Ways and Means.

This legislation is more adequately covered by HB 553, which the committee is still considering.

Rep. McLane explained the committee report.

Rep. Wilfrid Boisvert spoke against the committee report.

Resolution adopted.

Rep. Forcier appealed the ruling of the Speaker that the call for a division was too late.

Reps. James O'Neil and Malcolm Stevenson spoke against the appeal on HB 421.

The question being on the decision of the Speaker's ruling.

201 members having voted in the affirmative and 17 in the negative, the Speaker's ruling was sustained.

## HB 210

relative to establishing a state housing authority and a state housing finance agency and making an appropriation therefor. Majority: Inexpedient to legislate, Rep. Claflin for Resources, Recreation and Development; Minority: Ought to pass with amendment. Reps. Mayhew, Spalding, Kenneth W., Miner, Clear, Wilkinson, Shortlidge, Urie and Tilton.

Rep. Mayhew moved that the words, ought to pass with amendment, be substituted for the committee resolution, inexpedient to legislate, and spoke in favor of the motion.

(Deputy Speaker in the Chair)

Rep. Kopperl spoke against the motion.

Rep. Shortlidge spoke in favor of the motion.

(discussion)

## RECESS

## AFTER RECESS

(Rep. George Roberts in the Chair)

The question being on the motion to substitute, ought to pass with amendment, for the committee report, inexpedient to legislate.

Reps. Poehlman, Williamson, Daloz, Philip Heald and Levy spoke against the motion.

(discussion)

Reps. Underwood, Urie, Raiche and James O'Neil spoke in favor of the motion.

Rep. Mayhew requested a quorum count.

309 members having answered, a quorum was present.

Rep. Wilfrid Boisvert moved the previous question; sufficiently seconded.

Adopted.

Rep. Clafin requested the yeas and nays; sufficiently seconded by five members.

## ROLL CALL

YEAS: 93      NAYS: 224

## YEAS

### CARROLL COUNTY:

Hayes, Conley, Chase, Russell C., Clafin, Hughes.

### CHESHIRE COUNTY:

Trowbridge, Allen Coughlin, Dunham, O'Neil, James E., Mallat, Shortlidge, Barker.

### COOS COUNTY:

Noyes, Hunt, Mayhew, Lee, Oleson, Fortier, Roy, Desilets, Studd, McCuin, Oswell, Theriault, Kidder.

### GRAFTON COUNTY:

Tilton, Mann, Ezra B., Bradley, David H., Nutt, Gemmill, Foster, Tremblay, Dudley, Merrill, Hopkins, Bell.

### HILLSBOROUGH COUNTY:

Mann, Arthur F., Murray, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Cobleigh, Parker, Gerry F., Drabinowicz, Cote, Margaret S., Coutermarsh, Gabriel, Cares, Harvell, Abbott, Dion, Boisvert, Emile E., Raiche, Clear.

### MERRIMACK COUNTY:

Andrews, Sherman, Burleigh, Michels, Cate, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, Glavin.

## ROCKINGHAM COUNTY:

Stimmell, Belair, Smith, Philip A., Langley, Leavitt, Greene, Lockhart, McEachern, Chandler, Bowles.

## STRAFFORD COUNTY:

Stevenson, Douglas M., Beckett, Clark, Shirley M., Cochran, Hebert, Thompson, Barbara C., Balomenos, DeWolfe.

## SULLIVAN COUNTY:

Flint, Gabraith, Fleming.

## BELKNAP COUNTY:

Urie, Roberts, Charles B., Wilkinson, Nighswander, Huot.

## NAYS

## CARROLL COUNTY:

Howard, Donald K., Cox, Davis, Esther M., Lagroe, Davis, Dorothy W., Webster.

## CHESHIRE COUNTY:

Forbes, Cournoyer, Forcier, Bennett, Johnson, Elmer L., Hackler, Raymond, Vogel, Ames, Saunders, Heald, Cleon E., Moran.

## COOS COUNTY:

Cook, Bushey, Burns, O'Hara, Dubey, Brungot, Gagnon, Richardson, Mabel L.

## GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Higgins, McGee, Brummer, Dow, Altman, Blain, Buckman, Sears, Bradley, Richard L., Mitchell.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Sawyer, Barnard, Poehlman, Weilbrenner, Colburn, Daloz, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Carter, Coburn,

Ferguson, Bragdon, Belzil, Trombley, Mason, Desmarais, Lachance, Chamard, O'Neil, Robert, Aubut, Boisvert, Wilfrid, Grandmaison, Davidson, Ouellette, Sirois, Alukonis, Bednar, Keeney, Peabody, Arthur H., Dwyer, Lyons, Bridges, Van Loan, Daniels, Ackerson, Montplaisir, Bruton, Cote, Joseph L., Duhaime, Armand L., Cullity, McDermott, Manning, Walsh, Healy, Lynch, John T., Leclerc, Sysyn, Simard, Champagne, Chevette, Derome, St. Onge, Lynch, Doris T., O'Connor, James P., Sweeney, Lamy, Murphy, Dennis J., Levasseur, Martineau, Allard, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

#### MERRIMACK COUNTY:

Bigelow, Hardy, Parker, Harry C., Reddy, Enright, Riley, Gamache, Gordon, Little, Avery, Perkins, Kopperl, Thompson, Doris L., Dempsey, Piper, Chapley, Greeley, Mattice, Humphrey, James, Davis, Alice, Howland, Sanders, Wilson, Ralph W., Fuller, Woodward, Noble, Welch, Shirley, B., Tarr.

#### ROCKINGHAM COUNTY:

Fernald, Wilson, Helen F., Griffin, Margaret A., Boucher, Soule, Adams, MacGregor, Read, Senter, Lovell, Gelt, Clark, Ernest D., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Goodrich, Vey, Sewall, Twardus, Collishaw, Eastman, Junkins, Page, Randall, Cheney, George L., Fiske, Casassa, Cunningham, Keefe, Maynard, Quirk, Dame, Jameson, Levy, Woods, Croft.

#### STRAFFORD COUNTY:

McIntire, Canney, Smith, Elmer C., Tirrell, Joncas, Habel, Chasse, Boire, Ineson, Ruel, Beaudoin, Sylvain, Dunlap, Preston, Tripp, Leighton, Bernard, Webber, Fellows, Mudgett, Young, Kinney, Parnagian, Richardson, Harriett W. B.

#### SULLIVAN COUNTY:

Gaffney, Rousseau, Campbell, Nahil, Barrows, Burrows, Downing, Saggiotes, Frizzell, Williamson.

## BELKNAP COUNTY:

French, Lawton, Wuelper, Mutzbauer, Hood, McCarthy, Drouin, Head, Prescott, Randlett, Whittemore.

## PAIRS

Rep. Hamel voting yes; Brocklebank voting no.  
and the motion failed.

Rep. Gordon moved that HB 210 be indefinitely postponed.

## PARLIAMENTARY INQUIRY

Representative Michels inquired whether indefinite postponement of HB 210 meant that the subject of housing in particular the subject of HB 78, could not be brought up again during the biennium.

The Speaker ruled that the subject matter of HB 78, being of sufficiently different nature, could be brought up at a later date during the biennium.

(Speaker in the Chair)

Motion adopted.

## RECONSIDERATION

Rep. Gordon, having voted with the majority, moved that the House reconsider its action in killing HB 210, and spoke against the motion.

Motion lost.

**HB 193**

relative to the improvement and extension of the Spaulding turnpike. Ought to pass with amendment. Rep. Trowbridge for Public Works.

## AMENDMENT

Amend the title by striking out the same and inserting in place thereof the following:

## An ACT

establishing the New Hampshire turnpike system

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I New Chapter. Amend RSA by inserting after chapter 256-B the following new chapter:

### Chapter 256-C

#### New Hampshire Turnpike System

256-C:1 Definitions. As used in this chapter, the following terms shall have the following meanings:

I. "Central New Hampshire Turnpike" shall mean the turnpike constructed under RSA 257, the relocation and improvements constructed under RSA 257-A, the improvements authorized by RSA 256-C:2, I. hereof, and such further improvements, modifications and extensions as the general court may hereafter authorize as part of the central New Hampshire turnpike.

II. "Eastern New Hampshire Turnpike" shall mean the toll road constructed under RSA 256, the bridge constructed under RSA 256-A, the improvements and extension authorized by RSA 256-C:2, I and II, and such further improvements, modifications and extensions as the general court may hereafter authorize as part of the eastern New Hampshire turnpike.

III. "New Hampshire Turnpike System" shall mean the toll highway authorized by RSA 256-C:2, IV and such further toll highways and improvements, modifications and extensions of toll highways as the general court may hereafter authorize as part of the New Hampshire turnpike system. When the bonds issued prior to January 1, 1971 to finance the central New Hampshire turnpike have been fully paid, or sums deposited with the paying agent for such payment, the central New Hampshire turnpike shall become a part of the New Hampshire turnpike system, the toll account established under RSA 257:7 shall become part of the toll account established under RSA 256-C:8, and RSA 257 and 257-A shall cease to be in force. When the bonds issued prior to January 1, 1971 to finance the eastern New Hampshire turnpike have been fully paid, or sums deposited with the paying agent for such payment, the eastern New Hampshire turnpike shall become part of the New Hampshire turnpike system, the toll account established under RSA 256:8 and 8-a shall become part of the toll account established under RSA 256-C:8, and RSA 256 and 256-A shall cease to be in force.

256-C:2 Authority Granted. Subject to RSA 256-C:3, II, the commissioner of public works and highways, with the approval of the governor and council, is authorized to:

I. Make improvements to that portion of the eastern New Hampshire turnpike known as the Blue Star memorial highway, including, but not limited to, the addition of two traffic lanes in each direction from the route NH 107 interchange in Seabrook to the route NH 101 interchange in Portsmouth and the reconstruction of the toll facilities in the town of Hampton;

II. Make improvements to that portion of the eastern New Hampshire turnpike known as the Spaulding Turnpike and extend said turnpike with four lanes including, but not limited to, the completion of existing interchange number 9, the Dover-Somersworth interchange, to provide highway service to the west, and the extension of the turnpike to the 1965 Milton-Wakefield project;

III. Make improvements to the central New Hampshire turnpike, including, but not limited to, the addition of a traffic lane or lanes in each direction from a point near the proposed junction of interstate route 93 near the Manchester-Hooksett town line to a point northerly of the junction of interstate route 89 in the city of Concord and the reconstruction of the toll facilities in the town of Hooksett; and

IV. Construct a toll highway between a point on interstate route 93 in Manchester and a point on the eastern New Hampshire turnpike in Hampton. The commissioner of public works and highways is instructed to utilize federal and state highway funds presently programmed for construction of this section of the east-west transportation corridor for highway improvements on other sections of the east-west transportation corridor to the maximum extent feasible.

#### 256-C:3 Determination of Feasibility.

I. The commissioner of public works and highways is authorized to contract with one or more firms for the making of studies in regard to the feasibility of widening and extending the eastern New Hampshire turnpike, widening the central New Hampshire turnpike and constructing a new toll highway as authorized by RSA 256-C:2. The cost of such studies shall be charged sixty percent to the account under RSA 256:8 and 8-a and forty percent to the account under RSA 257:7.

II. Except for the making of the studies authorized by this section no project consisting of the widening or extension of the eastern New Hampshire turnpike or the widening of the central New Hampshire turnpike or the construction of a new toll highway, as authorized by RSA 256-C:2, shall be carried out unless the commissioner of public works and highways estimates in writing to the governor and council, after examination of said studies, that it is feasible to carry out such project within the moneys provided therefor under this chapter and to satisfy the requirements of RSA 256-C:10 after the completion of such project.

256-C:4 Further Authority.

I. Except as may be inconsistent herewith and except as hereinafter provided, the projects authorized by RSA 256-C:2, I and II shall be laid out, constructed and operated in accordance with, and shall be subject to, the provisions of RSA 256 until the eastern New Hampshire turnpike becomes part of the New Hampshire turnpike system, except that RSA 256:4 through 7 shall not apply and except that the bonds referred to in RSA 256:8 shall be deemed to include all bonds issued to finance the eastern New Hampshire turnpike. Subject to the same exceptions, the projects authorized by RSA 256-C:2, III shall be laid out, constructed and operated in accordance with, and shall be subject to, the provisions of RSA 257 until the central New Hampshire turnpike becomes part of the New Hampshire turnpike system, except that RSA 256:3 through 6 shall not apply and except that the bonds referred to in RSA 256:7 shall be deemed to include all bonds issued to finance the central New Hampshire turnpike. In addition to other project costs, the cost of constructing any portion of the central New Hampshire turnpike, the eastern New Hampshire turnpike or the New Hampshire turnpike system may include any required payment to the United States on account of the incorporation of a federally-aided highway in such turnpike or system.

II. The commissioner of public works and highways is further authorized to operate and maintain the New Hampshire turnpike system. In doing so and in constructing any portion thereof, he may, subject to the limitations set forth in this chapter:

(a) Determine the location of each portion of the system and fix the width of its right-of-way.

(b) Acquire in the name of the state by purchase or by exercise of the right of condemnation as provided by statute such lands, property, rights, easements and interests as may be deemed necessary for carrying out the provisions of this chapter.

(c) Designate the locations and establish, limit and control such points of ingress to and egress from the system as may be necessary or desirable to ensure the proper operation of the system and to prohibit ingress to or egress from the system at any points not so designated.

(d) Permit toll free use of certain sections of the system if it is for the public good.

(e) Construct grade separations at intersections of the system with public roads and private ways, and change and adjust the lines and grades of such roads and ways so as to accommodate the same to the design of such grade separations and to the design of the system.

(f) Construct, operate and maintain portions of the system within the compact areas of cities and towns.

(g) Grant permits or licenses to any corporation or person to place and maintain along, on, under or within the system ducts, pipes, pipelines, poles, wires or other structures, to be so located as not to be unsightly and not to interfere with the safe and convenient operation and maintenance of the system, and contract with any such corporation or person for such permit or licenses on such terms and conditions as may be deemed necessary for carrying out the provision of this chapter. The appearance, construction, maintenance and repairs of any such ducts, pipes, pipelines, poles, wires or other structures shall be subject to such directions and regulations as may be imposed.

(h) Establish a temporary turnpike engineering section for the period of design and construction of any portion of the system, assign permanent employees of the department of public works and highways to duties and positions in said section and employ such engineers and assistants as may be necessary on a temporary basis for said period of design and construction. The costs of said turnpike engineering section shall be a charge against the funds made available under this chapter or otherwise for the system.

(i) Enter into contractual relations on behalf of the state.

(j) Do and perform all such acts as are necessary for the public good.

(k) Cause periodic traffic and economic studies to be made of the operation of the system.

(l) Make periodic studies of possible extensions or additions to the system.

(m) Employ such assistants, engineers or consulting services as may be necessary to carry out the studies authorized by paragraphs (k) and (l) herein and, upon approval by the legislature, extend or add to the system when recommendations of independent recognized consultants indicate that such extensions are economically feasible. The expense of the said studies shall be a charge upon the fund established under RSA 256-C:8.

256-C:5 Highway Patrol. The commissioner of public works and highways may establish a turnpike patrol for the maintenance of law enforcement, public safety, collection of tolls and courtesy aid on the turnpike system. The policies of such patrol shall be determined jointly by the commissioner of public works and highways and the director of the division of state police, department of safety, and members of the state police may be assigned to such patrol by mutual agreement. Operational control of portions of said patrol utilized for law enforcement and public safety shall be under the direction of the director of the division of state police, department of safety. Maintenance and operational employees of the department of public works and highways assigned to toll road duties may be given police powers and may be used on said patrol as designated. The cost of the said patrol shall be a charge on the fund established under RSA 256-C:8.

256-C:6 Funds Provided. The following sums are appropriated for the purpose of carrying out the projects authorized by RSA 256-C:2:

Projects	Amount
Improvements to the Blue Star memorial highway. RSA 256-C:2. I	Thirty-three million dollars (\$33,000,000)

Improvements and four lane extension of Spaulding Turnpike. RSA 256-C:2, II	Twenty million dollars (\$20,000,000)
Improvements to Central New Hampshire Turnpike. RSA 256-C:2, III	Twenty-eight million five hundred thousand dollars (\$28,500,000)
Toll highway between Manchester and Hampton. RSA 256-C:2, IV	Forty million dollars (\$40,000,000)

After the completion of the project or projects authorized by any paragraph of RSA 256-C:2, the governor and council may transfer any balance remaining in the appropriation for such project or projects to other projects under this chapter. The appropriations made by this chapter shall be continuing appropriations and shall not lapse.

**256-C:7 Borrowing Power.** For the purpose of providing funds necessary for the appropriations made by RSA 256-C:6, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding one hundred twenty-one million, five hundred thousand dollars (\$121,500,000) and for that purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A, provided that the bonds may mature up to thirty years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of bonds to the extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid.

**256-C:8 Tolls.** Tolls or charges, which with the approval of the governor and council are deemed necessary and reasonable for the use of any part of the New Hampshire turnpike system or any part of the right-of-way and other property acquired in connection therewith, shall be collected from persons operating motor vehicles thereon or otherwise making use of said right-of-way. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account for the New Hampshire turnpike system and the operating ex-

penses and maintenance costs of the system shall be paid from said account. From the balance remaining after payment of operating expenses and maintenance costs, there shall be paid the interest and principal on the bonds issued to finance the system. Fourteen days previous to the time any such interest or principal is payable, the state treasurer shall examine the existing balance and, except as otherwise provided in RSA 256-C:9, if such balance is insufficient to make the payment, then he shall notify the governor who will immediately draw his warrant on the highway fund to cover any deficit and if the funds in both of the above accounts are insufficient the governor will draw his warrant upon the state's general fund to the amount necessary to meet the payments. Any funds paid out from the state's highway fund or general fund for the above purposes shall be reimbursed from the collection of tolls as soon as such funds are available. Any funds that have been or may be expended for any portion of the system by the department of public works and highways shall be repaid to said department when, in the opinion of the governor and council, sufficient funds are available. Any excess income may be used for further system extensions in accordance with RSA 256-C:4, II (m). No provision of this chapter shall constitute a covenant with bondholders with respect to the charging, collection or disposition of tolls.

256-C:9 Interaccount Transfers. In the event the balance in the account under RSA 256:8 and 8-a, RSA 257:7 or RSA 256-C:8 is insufficient at any time to meet the operating expenses, maintenance costs and debt service of the eastern New Hampshire turnpike, the central New Hampshire turnpike or the New Hampshire turnpike system, as the case may be, the treasurer shall transfer the amount necessary to meet the deficiency from the excess income in either or both of the other accounts. In determining which account or accounts to make the transfer from, the treasurer shall be guided by the respective needs of the accounts.

256-C:10 Toll Criteria. Tolls shall be established on the New Hampshire turnpike system, the central New Hampshire turnpike and the eastern New Hampshire turnpike in accordance with the following criteria:

I. Until the eastern New Hampshire turnpike becomes part of the New Hampshire turnpike system, tolls shall be established and revised from time to time under RSA 256:8 which

are at least sufficient to meet the operating expenses and maintenance costs of the eastern New Hampshire turnpike and to pay the principal and interest on bonds issued to finance the eastern New Hampshire turnpike.

II. Until the central New Hampshire turnpike becomes part of the New Hampshire turnpike system, tolls shall be established and revised from time to time under RSA 257:7 which are at least sufficient to meet the operating expenses and maintenance costs of the central New Hampshire turnpike and to pay the principal and interest on bonds issued to finance the central New Hampshire turnpike.

III. The tolls established or revised from time to time under RSA 256:8 and 257:7 and under 256-C:8 shall be at least sufficient in the aggregate to meet the aggregate operating expenses and maintenance costs of the central New Hampshire turnpike, the eastern New Hampshire turnpike and the New Hampshire turnpike system and to pay the aggregate principal and interest on bonds issued to finance the central New Hampshire turnpike, the eastern New Hampshire turnpike and the New Hampshire turnpike system.

IV. In so far as practicable, the tolls on the central New Hampshire turnpike, the eastern New Hampshire turnpike and the New Hampshire turnpike system shall be comparable.

256-C:11 Exemption from Tolls. Upon proper identification by legislative license plate, any elected member of the general court during his term of office shall be granted toll-free use of any section of the New Hampshire turnpike system.

256-C:12 Limited Access. The New Hampshire turnpike system shall be limited access highways as defined in RSA 236:1, except that RSA 236:8 shall not apply to ducts, pipes, pipelines, poles, wires or other structures permitted under RSA 256-C:4, II (g) or to pre-existing facilities on highways, not previously restricted as to access, used as toll free sections of the system.

256-C:13 Contracts for Construction. All contracts for the construction of the New Hampshire turnpike system shall be awarded to the lowest responsible bidder submitting a sealed bid after an advertisement calling for bids has been published at least once in each of two successive weeks in a newspaper of general circulation in New Hampshire. The first publication of

such advertisement shall be not less than fourteen days prior to the date upon which bids are received. Contracts shall be awarded in accordance with RSA 228:4.

256-C-14 Toll Reserve Accounts. Any excess of toll revenue which may exist from time to time in any of the individual turnpike reserve accounts or the New Hampshire turnpike system reserve account shall be used only to finance extension studies, maintenance, construction, reconstruction, and extensions of the system wherever located, interest on bonded indebtedness and/or retirement of bonded indebtedness or other costs which may be properly charged against these accounts and/or to the New Hampshire turnpike system.

2 Repeal. The following chapters of RSA are hereby repealed.

I. RSA 256-B eastern New Hampshire turnpike improvements;

II. RSA 257-B central New Hampshire turnpike connection.

3 Application of Statutes. Any action heretofore taken under RSA 256-B or 257-B shall be deemed to have been under RSA 256-C as inserted by this act.

4 Effective Date. This act shall take effect on July 1, 1971.

Amendment adopted.

Referred to Appropriations.

The Speaker called for the Special Order for 11:01 on:

## HB 78

to authorize industrial development authority to provide housing for industrial workers. Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Rep. Merrill moved that HB 78 be recommitted to Resources, Recreation and Development.

Motion lost.

Rep. Merrill moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Claflin and Williamson spoke against the motion.

Rep. Mayhew spoke in favor of the motion.

Rep. Arthur Bouchard moved the previous question; sufficiently seconded.

Adopted.

Motion to substitute lost.

Resolution adopted.

### **HB 376**

establishing a department of housing and making an appropriation therefor.

That it be referred to a committee of seven members of the Resources, Recreation and Development committee to be appointed by the Speaker to report on or before the 15th day of the next regular session. Rep. Claflin for Resources, Recreation and Development.

Resolution adopted.

Under Rule 58:

### **HB 600**

relative to the administration of the revenue laws and making an appropriation therefor.

Rep. Shirley Clark moved that HB 600 be made a special order for 11:01 Wednesday, May 12th.

Adopted.

Reps. James O'Neil, Lawton and Raiche offered the following Resolution:

### **HOUSE RESOLUTION**

*Be it resolved*, That any request of a member of the House, on file in the office of Legislative Services, for which sufficient information to draft a final bill has not been supplied, shall become null and void and a bill will not be drafted if sufficient information is not supplied to the office of Legislative Services by 5:00 P.M. on Thursday, May 13, 1971; and any bill which has been drafted but which, on the date of this resolution, the

member is holding and has not approved for introduction may not be introduced after May 13, 1971.

Rep. James O'Neil explained the resolution.

Adopted.

## SENATE MESSAGE

### SENATE CONCURRENCE ON HOUSE BILL WITH AMENDMENT

HB 242, providing that the reregistration of voters be postponed until 1973 and establishing a committee to study and report on the form of checklists.

(See SJ 5-4-71 for amendment)

Rep. MacDonald moved that the House concur in the Senate amendment.

Adopted.

Remarks of the Appropriations Committee on:

HB 918, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, delivered May 4, 1971.

## VACATE

Rep. Trowbridge moved to vacate reference of SB 83, making appropriations for an addition to Snively arena from the committee on Appropriations to the committee on Public Works.

Adopted.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

## LATE SESSION

Third reading and passage by House

HB 735, relative to unpaid rent for safe deposit boxes.

HB 439, relative to extending the service fee on air carriers to all public landing areas supported, in whole or in part, by state and municipality or airport authority funds and to allocate said fees between the state and municipalities or airport authorities.

HB 774, relative to county bonds and notes.

On motion of Rep. Underwood the House adjourned at 4:03 P.M.

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*Thursday, 6May71*

The House met at 11:00 o'clock:

Prayer was offered by House Chaplain, Rev. William L. Shafer.

Give us, O GOD, our Father, the vision of peace and the glory of Thy Presence. Grant that we may learn Your Truth and proclaim it, even when it is unpopular. Forbid that we should hesitate in giving ourselves to causes that make for justice and harmony in this troubled world of our making. Let personal and selfish ambitions be consumed in our zeal for the cause of Christ. With concern and devotion to the task at hand, let not our enthusiasm for peace and justice blind us to the needs of our neighbors and fellow citizens, nor prevent us from acting responsibly in our pursuit of truth. Forbid that our State or Nation should fail Thee by reason of pride, wealth, or complacency. Help us, we beseech Thee, in this day of our opportunity, to measure up to the full stature and example of Jesus Christ. Amen.

Rep. Withington led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Doris Lynch, the day, illness.

Rep. Record, indefinite, illness.

Rep. Barbara Thompson, the day, illness in the family.

## RESOLUTION

Rep. James O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 938 and 939 and House Joint Resolution number 50 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 938, relative to driver training schools. (Davidson of Hillsborough Dist. 21 — To Transportation and Aeronautics.)

HB 939, relative to collecting taxes, penalties and interest resulting from a supplemental property assessment, and providing for a lien. (Bednar of Hillsborough Dist 23; Allen of Cheshire Dist. 8 — To Municipal and County Government.)

HJR 50, in favor of Richard Bradley. (Johnson of Cheshire Dist. 9 — To Claims, Military and Veterans Affairs.)

## VACATE

Rep. Hamel moved to vacate reference of HB 923, relative to the parking of motor vehicles by disabled war veterans, from the committee on Claims, Military and Veterans Affairs to the committee on Transportation.

Adopted.

## RECONSIDERATION

Rep. Ferguson served notice that today or some subsequent day he would ask for reconsideration of the action of the

House in passing HB 242, providing that the reregistration of voters be postponed until 1973 and establishing a committee to study and report on the form of checklists.

### SENATE MESSAGES CONCURRENCE ON

HB 248, establishing an interim commission to study floodplains.

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 129, relative to local parking ordinances. Transportation

SB 161, increasing the penalties for throwing trash on highways or highway right-of-ways. Environmental Quality and Agriculture

SB 163, prohibiting dumping materials from out-of-state. Environmental Quality and Agriculture

### SENATE ADOPTION ENROLLED BILLS AMENDMENT

HB 265, prohibiting the use of motor boats on Mirror Lake in Woodstock.

(Amendment printed in SJ, May 5, 1971.)

SB 16, relative to the establishment of the position and salary of the Associate Justice and Deputy Clerk of the Nashua District Court.

(Amendment printed in SJ, May 5, 1971.)

### SENATE MESSAGE CONCURRENCE ON HOUSE BILL WITH SENATE AMENDMENT

HB 328, repealing the statute providing that the labor commissioner shall establish the minimum wages paid by the

state and its political subdivisions in the construction of public works.

Rep. Trowbridge moved that the House non-concur with the Senate amendment and that a committee of conference be established.

Rep. James O'Neil moved that HB 328 be laid on the table.  
Adopted.

### ENROLLED BILLS REPORT

HB 248, establishing an interim commission to study flood-plains.

Roxie A. Forbes  
For the Committee

### ENROLLED BILLS COMMITTEE REPORTS

SB 16, relative to the establishment of the position and salary of the associate justice and deputy clerk of the Nashua District Court. Ought to pass with amendment.

(Amendment printed in SJ, May 5, 1971.)

Adopted.

HB 265, prohibiting the use of motor boats on Mirror Lake in Woodstock. Ought to pass with amendment.

(Amendment printed in SJ, May 5, 1971.)

Adopted.

### COMMITTEE REPORTS

#### HB 341

to prohibit cancellation of accident and health insurance policies due to changes in the physical condition of the insured. Ought to pass with amendment. Rep. Dwyer for Banks and Insurance.

Gives greater protection to policy holder.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

to prohibit cancellation of individual accident and health insurance policies due to changes in the physical condition of the insured.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Cancellation; Refusal to Renew. Amend RSA 415:6 (B) (8) by striking out said subparagraph and inserting in place thereof the following: (8) A provision as follows: Cancellation: The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than ten days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro-rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation. However, such cancellation, if for reasons other than nonpayment of premium and other than specified in any time limits for certain defenses, shall be effected only if also effected on all policy-holders of the same class. No such action shall be taken without prior written approval of the Insurance Commissioner. The insurer shall have the burden of proof that the classification of risk involved therein is reasonable and nondiscriminatory, pursuant to Chapter 415:15.

Amendment adopted.

Ordered to third reading.

**HB 655**

relative to renewal of automobile insurance policies. Ought to pass with amendment. Rep. Burns for Banks and Insurance.

Protects the insured.

## AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Automobile Insurance. Amend RSA 417-A (supp) by inserting after section 3 the following new section: 417-A:3-a Coercion by Insurer. No insurer shall refuse to renew a policy of automobile insurance previously issued to an individual solely because such individual has no other policy of insurance with said insurer.

Amendment adopted.

Ordered to third reading.

**HB 730**

relative to changing unsecured loan limitations of building and loan associations, cooperative banks or savings and loan associations. Ought to pass. Rep. Lamy for Banks and Insurance.

Allows cooperative banks or savings and loan associations to make loans on new and used mobile homes.

Ordered to third reading.

**HB 737**

permitting nonprofit colleges, nonprofit trusts and funds to be participating lenders. Ought to pass. Rep. Mallat for Banks and Insurance.

Allows nonprofit colleges and nonprofit trusts and funds to act as participating lenders.

Ordered to third reading.

**HB 574**

to amend the city charter of Dover and to authorize the establishment of the Dover Industrial Development Authority. Ought to pass with amendment. Rep. Maglaras for the Dover Delegation.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

to authorize the establishment of the Dover  
Industrial Development Authority.

Amend sections 2 and 3 of the bill by striking out the same and inserting in place thereof the following:

2 Management. The management of said corporation shall be vested in a board of nine directors who shall be inhabitants of and qualified voters in the city of Dover and shall have been for at least three years prior to the date of their appointments. Two of said board shall be the city manager and mayor of Dover, ex officio. The mayor, with the consent of the city council, shall appoint the other seven members, one of whom shall be designated as chairman. Each appointed member shall hold office for three years, and until his successor shall have been appointed. Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and two for a term of three years, respectively. Thereafter members shall be appointed for three year terms. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments.

3 Removal of Board Members for Cause. Board members can be removed from office by the mayor for just cause with charges in writing, subject to the right of the individual to appeal the decision to the city council.

Amend section 4, VI of the bill by striking out said paragraph and inserting in place thereof the following:

VI. To acquire in the name of the authority by gift, purchase, lease or otherwise, except by eminent domain, real property and rights or easements therein, deemed by it necessary for its purposes;

Amend section 4, XIII of the bill by striking out said paragraph and inserting in place thereof the following:

XIII. To develop as an industrial park real property owned by any local development corporation or foundation which has as its primary purpose the encouragement and development of industry, all costs of such development to be borne by the corporation, foundation or owner;

Amend section 4, XV of the bill by striking out said paragraph and inserting in place thereof the following:

XV. To do all other lawful things necessary and incidental to the foregoing powers.

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

6 Project Reports; Hearing and Order. Said industrial authority before commencing any project, shall submit to the mayor and city council a report, including a detailed description and plan of the project, and a detailed estimate of the total cost thereof. The mayor and city council, upon receiving such report, shall determine whether the proposed project will be of public use and benefit and within the authority conferred upon said corporation. They shall cause a public hearing to be held thereon and, if it shall appear that the project would be of public use and benefit and within the powers conferred upon said authority, they may, by written order, direct said authority to proceed with such project. The mayor and city council shall order notice of the hearing to be advertised in the usual manner and allowing a minimum of ten days notice before date of hearing.

Amend section 7, XXI of the bill by striking out said paragraph and inserting in place thereof the following:

XXI. For the issuance of such bonds in series thereof.

Amend section 7 of the bill by striking out paragraph XXII.

Amend section 10 of the bill by striking out the same and inserting in place thereof the following:

10 Debt Limitation. The authority shall not issue its notes or bonds as provided by this act at any one time in an amount exceeding two million dollars.

Amend section 12 of the bill by striking out the same and inserting in place thereof the following:

12 Bonds Guaranteed. The mayor with the advice and consent of the city council is hereby authorized in the name of the city to guarantee, in such manner as may be determined, and not subject to current debt limitations otherwise imposed, the payment of the whole or any part of the principal and interest of any bonds to be issued by the authority. The full faith and credit of the city shall be pledged to the performance of such guarantee of the city.

Amend section 13, I and II of the bill by striking out said paragraphs and inserting in place thereof the following:

I. The mortgage indebtedness shall not exceed the current market value of the secured realty, including land and buildings. Final determination of market value may be made by at least three professional real estate appraisers using the average of the appraisals.

II. The guaranty at any given time shall not exceed fifty percent of the outstanding balance of any mortgage loan and may be set at less than fifty percent upon the recommendation of the authority. The guaranty may cover that portion of the loan in excess of fifty percent of the appraised value of the real property and such guaranteed portion relieves the statutory limitation applying to New Hampshire banks operating under a state charter. In other words, thirty percent guaranty on a bank loan would permit the loaning bank to loan one hundred percent of the appraised value.

Amend the bill by inserting after section 14 the following new section 15:

15 Annual Report. The authority will submit an annual report to the city council.

Amend the bill by renumbering the original sections numbered 15, 16 and 17 to read 16, 17, 18, respectively.

Amendment adopted.

Ordered to third reading.

#### **HB 544**

to provide for review of area school plan and withdrawal after the third anniversary. Ought to pass. Rep. Hall for Education.

Permits the change from five years to three years for review of area school plans.

Ordered to third reading.

#### **HB 726**

relative to the right to mental health by public school teachers. Inexpedient to legislate. Rep. Bowles for Education.

No evidence was presented to show any need for legislation in this matter.

Resolution adopted.

**HB 728**

relative to employment of public school teachers in the state. Inexpedient to legislate. Rep. Bowles for Education.

Committee finds that such conditions of employment make this legislation unnecessary.

Resolution adopted.

**HB 739**

clarifying the law relative to the board of trustees of New Hampshire colleges and equalizing the expiration dates of appointed university trustees. Ought to pass. Rep. Margaret Cote for Education.

Bill would make certain that the terms of office of university trustees would rotate equally in order that too many will not expire at the same time.

Ordered to third reading.

**HB 751**

clarifying the law relative to the board of trustees of New Hampshire colleges and providing for a student member thereof. Ought to pass. Rep. Charles B. Roberts for Education.

Permits appointment by the Governor of a student in the University of New Hampshire system (Durham, Plymouth or Keene) as a university trustee. Probably would be a rotating appointment for one year each from the three student bodies. Committee feels strongly this would be an excellent method (successfully employed at the University of Massachusetts and the University of Maine) to open and maintain better student-trustee relations. However, with one vote out of twenty-five the student trustee would have to persuade, but could not out-vote, his colleagues.

Ordered to third reading.

**HB 546**

to define, control and prohibit the littering of public or private property. Ought to pass with amendment. Rep. Colburn for Environmental Quality and Agriculture.

## AMENDMENT

Amend RSA 163-B:2 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

163-B:2 Definitions. As used in this chapter, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

I. The word "litter" means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.

Amend RSA 163-B:3 as inserted by section 1 of the bill by striking out the introductory paragraph and inserting in place thereof the following:

163-B:3 Unlawful Activities. It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit dumping, depositing, placing, throwing or leaving of litter on any public or private property in this state, or in or on ice or in any waters in this state, unless:

Amend RSA 163-B:4, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Any person violating the provisions of RSA 163-B:3 is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars or imprisonment for three days, or both such fine and imprisonment, or, in lieu thereof, in the sound discretion of any court in which conviction is obtained, any such person may be directed by the judge of such court to pick up and remove from any public street or highway or public or private right-of-way, or public beach or public park, or, with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

Amend RSA 163-B:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

163-B:5 Prima Facie Evidence. Evidence that litter is

thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of RSA 163-B:3, shall be prima facie evidence that the operator of said conveyance shall have violated this chapter and the license to operate such a conveyance issued to any person convicted hereunder may be suspended for a period not to exceed seven days together with, or in lieu of, penalties provided in RSA 163-B:4.

Amend RSA 163-B as inserted by section 1 of the bill by striking out sections 6 and 7 and inserting in place thereof the following:

163-B:6 Enforcement. All law enforcement agencies and officers and officials of said agencies of this state or any political subdivision thereof are hereby authorized, empowered, and directed to enforce compliance with this chapter.

Amendment adopted.

Ordered to third reading.

## HB 812

to provide for annual leave of state employees. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Presently any state employee, after a year's employment is entitled to fifteen working days for vacation (annual leave). No matter how long he works his vacation time remains the same. Bill would allow state employees, after fifteen years service to have five additional days up to a maximum of thirty days for a five-day work week. No change in *sick leave*.

## AMENDMENT

Amend section 1, (1) and (2) of the bill by striking out said paragraphs and inserting in place thereof the following:

(1) Employees with fifteen years of service or less:  
Days Per Week

5 days =  $1\frac{1}{4}$  days annual leave and  $1\frac{1}{4}$  days sick leave per month  
 $5\frac{1}{2}$  days =  $1\frac{3}{8}$  days annual leave and  $1\frac{3}{8}$  days sick leave per month  
 6 days =  $1\frac{1}{2}$  days annual leave and  $1\frac{1}{2}$  days sick leave per month,

Accrued annual leave and sick leave shall not exceed a maximum accumulative allowance on the basis of the following formula:

Days Per Week	Annual and Sick Leave Accrued Per Month	Maximum Accumulative Annual Leave	Maximum Accumulative Sick Leave
5 day week	1¼ days	30 work days	90 work days
5½ day week	1⅜ days	33 work days	99 work days
6 day week	1½ days	36 work days	108 work days

(2) Employees with more than fifteen years of service:  
Days Per Week

5 days = 1⅔ days annual leave and 1¼ days sick leave per month  
 5½ days = 1⅝ days annual leave and 1⅜ days sick leave per month  
 6 days = 2 days annual leave and 1½ days sick leave per month

Accrued annual leave and sick leave shall not exceed a maximum accumulative allowance on the basis of the following formula:

Days Per Week	Annual and Sick Leave Accrued Per Month	Maximum Accumulative Annual Leave	Maximum Accumulative Sick Leave
5 day week	1⅔ days	40 work days	90 work days
5½ day week	1⅝ days	44 work days	99 work days
6 day week	2 days	48 work days	108 work days

Amendment adopted.

Referred to Appropriations.

## HB 822

relative to the enforcement of regulations of the commissioner of health and welfare. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Amends present law which just allows a *criminal* process as a remedy. Welfare department would like to be able to get an injunction to stop immediately violation of its rules. They feel a penalty of \$100/day is too severe in many instances.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to the enforcement of regulations of the  
director, division of welfare.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Daily Violation. Amend RSA 170:18 as amended by 1961, 222:1 by inserting at the end of said section the following: (Each day a violation continues to exist shall constitute a separate offense. In addition, the director of the division of welfare may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation hereof, or of the regulations adopted hereunder, or of any ruling made by him pursuant to RSA 170:5, and the court shall adjudge relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of this chapter and the regulations adopted in the orders and rulings made pursuant hereto.) so that said section as amended shall read as follows: 170:18 Penalty. Whoever violates the provisions of this chapter, or any rule or regulation of the division of welfare pursuant thereto, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. Each day a violation continues to exist shall constitute a separate offense. In addition, the director of the division of welfare may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation hereof, or of the regulations adopted hereunder, or of any ruling made by him pursuant to RSA 170:5 and the court shall adjudge relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of this chapter and the regulations adopted in the orders and rulings made pursuant hereto.

Amendment adopted.

Ordered to third reading.

**HB 832**

repealing the statutes relative to management-employee relations in state employment. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Resolution adopted.

**HJR 48**

establishing a commission to establish qualifications for real estate appraisers. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Ordered to third reading.

**SB 58**

to prohibit any special justice or associate justice of a district or municipal court from practicing law in any district or municipal court. Ought to pass with amendment. Rep. Andrews for Judiciary.

Bill would preclude justices and associate justices of district and municipal courts from practicing in their own courts or in any other district or municipal court. However, special justices, who are only part-time judges, would be prohibited from practicing only in their own court.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

relative to special and associate justices  
practicing in district or municipal courts.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Special and Associate Justices. Amend RSA 502-A:21 as inserted by 1963, 331:1 and as amended by 1967, 438:3 by striking out the same in its entirety and substituting the following therefor: 502-A:21 Disqualifications of Justices, etc. No justice, associate justice, special justice or clerk of any district or municipal court shall be retained or employed as attorney in any action, complaint, or proceeding pending in his court, or which has been examined or tried therein. No such justice or associate

justice shall be retained or employed as an attorney in any matter pending before any other district or municipal court. No attorney shall be permitted to practice before any district or municipal court where any justice, associate justice, or special justice thereof is associated with said attorney in the practice of law. No justice, associate justice, or special justice whose salary exceeds fifteen thousand dollars per year shall be permitted to engage in the practice of law to any degree.

Amendment adopted.

Ordered to third reading.

### **HB 598**

relative to the employment of youths. Ought to pass with amendment. Rep. Cate for Labor, Human Resources and Rehabilitation.

### **AMENDMENT**

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

1 Prohibiting Work in Dangerous Areas. Amend RSA 276-A:4, III (supp) as inserted by 1969, 243:1 by inserting in line two after the word "work" the words (in a dangerous area) so that said paragraph as amended shall read as follows: III. No youth under sixteen years of age shall be employed or permitted to work in a dangerous area in manufacturing, construction, and mining and quarrying occupations, or in woods and logging.

Amendment adopted.

Ordered to third reading.

### **HB 741**

relative to limitation on appropriations under the municipal budget law. Ought to pass. Rep. Blain for Municipal and County Government

Ordered to third reading.

### **HB 757**

establishing requirements for revaluation of all property in a town by the selectmen. Inexpedient to legislate. Rep. Mabel Richardson for Municipal and County Government.

Resolution adopted.

**HB 824**

exempting the administrators of county nursing homes from the licensing requirements of RSA 151-A. Inexpedient to legislate. Rep. Morrison for State Institutions.

Sponsor of this bill requested this action.

Resolution adopted.

**HB 910**

relative to exchange of employees with the federal government in certain cases. Ought to pass. Rep. Adams for Statutory Revision.

This bill just extends the time limit for exchange of employees of the federal government.

Ordered to third reading.

**HB 618**

to provide for identification displays on snow traveling vehicles. Ought to pass with amendment. Rep. Hamel for Transportation.

Under RSA 269-B:5, the commissioner of safety has the power to set the size of snowmobile registrations and he has agreed to make them larger. Therefore, the bill has been amended to (1) eliminate the part which specifies the size and (2) to correct RSA 296-B:5 to put in a line which was left out in printing the 1969 Session Laws and the RSA Supplement.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**An Act**

to correct an error in printing of the 1969 session laws relative to snow traveling vehicles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Display and Inspection. Amend RSA 269-B:5 (supp) as inserted by 1969, 488:1 by striking out said section and inserting in place thereof the following: 269-B:5 Display and Inspec-

tion. The registration certificate shall be subject to inspection on demand by any officer authorized to enforce this chapter and shall be on the vehicle at all times when in operation. The registration number assigned to any such vehicle shall be displayed on the vehicle at all times in such form and manner as prescribed by the commissioner.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. Andrews, having voted with the majority, moved that the House reconsider its action in ordering HB 618 to third reading, and spoke in favor of the motion.

Adopted.

Rep. Andrews moved that HB 618 be recommitted to the Committee on Transportation.

Adopted.

#### HB 831

requiring motorists to stop the engine of their motor vehicle while being serviced at gas pumps. Inexpedient to legislate. Rep. Hamel for Transportation.

Already covered by state fire regulations.

Resolution adopted.

#### HB 280

restoring meals and room tax to one dollar minimum. Inexpedient to legislate. Rep. Leavitt for Ways and Means.

Besides being more difficult to administer with the 99c exemption, this bill would mean a tax loss of two and a half million dollars.

Resolution adopted.

#### HB 462

making interest on deposits in credit unions exempt from the interest and dividends tax. Inexpedient to legislate. Rep. Leavitt for Ways and Means.

Credit unions do not pay the 2% savings bank tax, so further abatements did not seem necessary to the committee.

Resolution adopted.

**HB 377**

relative to collective bargaining rights of public employees and providing an appropriation for their implementation. Inexpedient to legislate. Rep. S. Clark for Executive Departments and Administration.

Resolution adopted.

**HB 557**

relative to electing the speaker of the house of representatives by roll call vote.

Rep. MacDonald moved that HB 557 be laid on the table.

Adopted.

Rep. Collishaw requested a six day extension on HB 569, relative to qualifications for the serving of liquor or beverages.

Granted.

**BILLS PLACED ON CALENDAR UNDER RULE 57**

(Overdue for report)

**Fish and Game**

HB 629, relative to clothing worn by certain hunters.

**Municipal and County Government**

HB 639, relative to the purchase and condemnation of property by the state.

**Public Works**

HB 641, relative to wages paid to workers on public works projects funded exclusively by municipal funds.

Placed on Calendar for May 13.

Rep. Gordon requested a quorum count.

274 members having answered, a quorum was present.

**HB 810**

amending the minimum wage law. Inexpedient to legislate. Rep. Dorothy Davis for Labor, Human Resources and Rehabilitation.

Rep. Joseph Cote moved to substitute the words, ought to pass, for the committee report, inexpedient to legislate and spoke in favor of his motion.

Rep. Malcolm Stevenson spoke against the motion.

(discussion)

Rep. Merrill requested a division.

It being manifestly in the negative, the motion lost.

Resolution adopted.

**SUSPENSION OF RULES**

Rep. James O'Neil moved that the rules of the House be so far suspended so as to allow reconsideration of HB 537, providing for liquor licenses for first class ballrooms, and spoke of his motion.

Adopted.

**RECONSIDERATION**

Rep. D'Amante having voted with the majority, moved that the House reconsider its action in killing HB 537 and spoke in favor of his motion.

Adopted.

Rep. D'Amante moved that HB 537 be recommitted to the Committee on Liquor Laws.

Adopted.

**COMMITTEE REPORTS CONTINUED****HB 606**

making appropriations for capital improvements. Ought to pass with amendment. Rep. Coburn for Public Works.

## AMENDMENT

Amend the Bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of three million nine hundred eighty seven thousand five hundred sixty-five dollars is hereby appropriated for the projects detailed in this section for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, equipment, and furnishings as are necessary to complete the same.

The appropriations for the projects are as follows:

I. Adjutant General			
Boiler replacement — Milford & Somersworth	\$18,500		
Total paragraph I			18,500
II. Administration and Control			
(a) New State House roof	40,000		
(b) Rework & moisture proof masonry light well, State House	48,000		
(c) New Cafeteria kitchen, State House	45,000		
Total paragraph II			133,000
III. Aeronautics Commission			
(a) Keene Dillant-Hopkins airport			
Runway over run cost	36,683		
Less local and federal	22,010		
Net appropriation		14,673	
(b) Nashua-Boire field			
New control tower	150,000		
Less local & New England regional commission	145,000		
Net appropriation		5,000	
(c) Lacenia municipal airport			
Additional amount for NAVAID		18,000	
Total paragraph III			37,673
IV. Education			
(a) Portsmouth vocational technical college			
(1) Physical education area	5,000		
(2) Machinery replacement	65,000		
Total		70,000	
(b) Manchester vocational technical college			
(1) Physical education field	5,000		
(2) Equipment — AC/DC mobile console and mobile bench service turret	15,200		
Total		20,200	
(c) Claremont vocational technical college			
Physical education field	5,000		
Total		5,000	

(d) Berlin vocational technical college		
New equipment — engine lathe & electronic lab equipment		16,000
(e) Concord technical institute		
(1) Resurface campus road	25,000	
(2) Expand kitchen and food storage	130,000	
Total		155,000
(f) Master planning for all voc. tech. colleges		20,000
Total paragraph IV		286,200

## V. Health and welfare

(a) N. H. Home for the Elderly		
(1) Convert to cafeteria feeding	50,000	
(2) Convert storage to recreation and therapy	10,000	
(3) Renovate administration building to residents' building	15,000	
(4) Addition to service building	135,000	
(5) Laundry addition	20,000	
Total		230,000
(b) New Hampshire Hospital		
(1) Parking lots	15,000	
(2) Emergency and exit lighting	50,000	
(3) Flat iron machine	40,000	
(4) Autoclave	6,000	
Total		111,000
(c) Laconia state school and training center		
(1) Education-training complex building	2,019,292*	
(2) Water tank installation	90,000	
(3) Improvements & repairs		
Roof repairs, heating zones and motorized valves for various buildings, convert Rice building to steam, Felker building shower room renovation	148,500	

\* Includes additional 100,000 for swimming pool

Total	2,257,792	
Total paragraph V		2,598,792

## VI. Industrial school

(a) Boiler replacement	85,000	
(b) Roof replacement and renovations to existing buildings	17,900	
Total paragraph VI		102,900

## VII. Public works and highways

Air condition drafting and engineering area	90,000	
Total paragraph VII		*90,000

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\*This authorized appropriation shall be charged to the highway fund.

## VIII. Resources and Economic Development

## Division of Parks

## (1) Engineering and construction

(a) Franconia Notch State Park			
i. Tramway cables	150,000		
ii. Base shelter	225,000		
Total Franconia Notch		375,000	
(b) Bear Brook		25,000	
(c) Moose Brook	25,000		
less federal funds	12,500		
net appropriation		12,500	
(d) Hampton Seawall		24,000	
(e) Pisgah road improvement	125,000		
less federal funds	62,500		
net appropriation		62,500	
Total paragraph VIII			499,000
IX. Soldiers' home			
(a) Renovate west wing, main building	120,000		
(b) Renovate east wing, main building	15,000		
Total		135,000	
Less federal matching		67,500	
Net appropriation — Total paragraph IX			67,500
X. State prison			
(a) New roof east side main cell block		17,000	
(b) Automatic blank feed & transfer system		17,500	
(c) Platan & vertical presses for license plates		15,500	
Total paragraph X			50,000
XI. Water Resources Board			
Dam repairs			
(a) Silver Lake — Harrisville		15,000	
(b) Webster Lake		20,000	
(c) Sunapee Lake		30,000	
(d) Northwood Lake		25,000	
Total paragraph XI			90,000
XII. Port Authority			
Rebuild pilings at Barker wharf			
(tanker dock facility)		14,000	
Total paragraph XII			14,000
Total Section I.			3,987,565

2. Appropriation. The sum of three million four hundred two thousand dollars is hereby appropriated for the projects detailed in this section for the purpose of purchasing, constructing, furnishing, and equipping new educational facilities and alterations and additions to certain present buildings, services, and utilities at the University of New Hampshire as follows:

I. Durham campus

- |  |         |
|--|---------|
| (a) Alterations and renovation to James, Kingsbury, Morrill, Murkland Halls and Hood House | 825,000 |
|--|---------|

(b) Demolition of old livestock barns and expansion of parking lot facilities	340,000	
(c) Construction of new service dept. motor pool garage and destruction of old poultry building	335,000	
Total paragraph I		1,500,000
II. Keene campus		
(a) Road and sidewalk construction	35,000	
(b) Library addition, working drawings	57,000	
Total paragraph II		92,000
III. Plymouth campus		
(a) Remodeling of Guy Speare School for administration building	525,000	
(b) Design of college academic building	175,000	
(c) Campus lighting	60,000	
Total paragraph III		760,000
IV. Merrimack valley branch		
Design and land acquisition, phase I, Dunbarton road site, Manchester	500,000	
V. Land acquisition — all campuses		150,000
VI. New England network new studio equipment	400,000	
Total section 2		3,402,000

3. Appropriation. The sum of three million, forty-five thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping housing, dining facilities and utilities at the University of New Hampshire as follows:

I. Durham campus		
Resident Hall, 300 students, plans and design	120,000	
Total paragraph I		120,000
II. Keene campus		
(a) New residence hall	2,225,000	
(b) Additional dining facilities	250,000	
(c) Married student's house	450,000	
Total paragraph II		2,925,000
Total section 3		3,045,000

#### 4. Repair of old Post Office building.

The Dept. of Public works is hereby directed to expand the unexpended two hundred thousand dollars authorized by Chapter 505 of the laws of 1969 to repair the roof of the old Post Office building and to repair or replace the heating system in such a way as to provide useable space in the building for legislative hearing rooms, legislative office space, and other facilities for the Legislature.

5. Expenditures, General. The appropriation made for the purposes mentioned in section 1 and the sums available for those projects shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

6. Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received.

II. Availability of Appropriation. The appropriations made in sections 2 and 3 are available for all costs incident to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the University Board of Trustees may, in its discretion, wish to employ on such terms and conditions as the Board determines, and include the cost of furnishings and equipping the facilities with moveable equipment, and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the University board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the University, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. Rejection of all Bids. The board of trustees of the

University has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7. Land Acquisition. Any land acquired under the appropriations made in section 1, except such land, if any, as may be acquired under the appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

8. Bonds Authorized. To provide funds for the appropriations made in section 1, 2, and 3\* of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ten million four hundred thirty-four thousand five hundred sixty-five dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9. Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, and 3 shall be made when due from the general funds of the State.

10. Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of sections 2 and 3 hereof.

\*All bonds issued for purposes of section 3 shall be for 30 years duration.

11. Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking any projects hereinbefore enumerated in section 1.

II. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

III. To accept any federal funds which are or become available for any project under section 1 beyond the estimated amounts. Such funds shall reduce appropriations and the bond authorizations made under these sections accordingly.

12. Transfers. The individual projects appropriation, as provided in sections 1, 2, and 3 shall not be transferred or expended for any other purpose; provided, however, that the governor and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

13. Effective Date. This act shall take effect July 1, 1971.

Amendment adopted.

Referred to Appropriations.

## **HB 581**

relative to the operation of snow traveling vehicles on town and city roads. Ought to pass with amendment. Rep. Hamel for Transportation.

Under this bill as amended, town meetings can vote to allow selectmen to open certain Class V roads for snowmobile use. The roads must be clearly marked and the snow traveling vehicles must yield right of way to autos. Gives the towns home rule.

At the request of Rep. Philip Heald, Rep. Hamel explained the amendment.

(discussion)

Rep. Mayhew moved that HB 581 be indefinitely postponed and spoke in favor of the motion.

Rep. Gordon spoke in favor of the motion.

Rep. Richard Bradley spoke against the motion.

Rep. Dion moved the previous question; sufficiently seconded.

Adopted.

Rep. Elmer York requested a division.

146 members voting in the affirmative and 92 in the negative, 238 members voting.

The Speaker requested a quorum count.

261 members having answered, a quorum was present.

It was obvious that some 23 members did not vote.

The Speaker requested a second division.

175 members having voted in the affirmative, and 103 in the negative HB 581 was indefinitely postponed.

#### **HB 399**

increasing the percentage rate of the room and meals tax and exempting meals less than one dollar. Inexpedient to legislate. Rep. Reddy for Ways and Means.

This bill would have raised room and meals tax to 7% as well as return the 99c exemption.

Rep. Gordon moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Reddy moved that HB 399 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Rep. Arthur Bouchard moved the previous question, sufficiently seconded.

Adopted.

HB 399 indefinitely postponed.

#### **UNANIMOUS CONSENT**

Rep. Radway addressed the House by unanimous consent.

Rep. Mallat moved that Rep. Radway's remarks be printed in the Journal.

Adopted.

## REP. RADWAY'S REMARKS

I rise as the initial sponsor of the dual enrollment bill which passed in the last session and as a member of the non-public school study committee which endorsed the principle of dual enrollment and is attempting to follow its progress.

I would like to bring to the attention of the House the results of a survey made by the Diocese of Manchester on May 3 and distributed to me and to other members of the Nonpublic school Study Commission on May 4.

The Diocese asked nonpublic school officials what their plans for the next (1971-72) would be if the dual enrollment program is cut back from 1.9 million to that level recommended in HB 918. The survey concluded that 1 high school would close; 4 elementary schools would close; and 11 elementary schools would shut down their 7th and 8th grades.

Altogether, about 3,000 students would be affected by these shifts.

The Diocese stated that these figures were exceedingly conservative; the impact could be heavier than estimated; and in the year after next (1972-73), the 11 elementary schools that had shut down only grades 7 and 8 would have to close entirely.

SENATE MESSAGE  
SENATE CONCURRENCE ON HOUSE BILL  
WITH AMENDMENT

HB 589, legalizing certain town meeting in the town of Windham. (See SJ for amendment, 5-5-71)

Rep. Hanson moved that the House concur in the Senate amendment.

Adopted.

## VACATE

Rep. Shirley Clark moved to vacate reference of HB 937, to abolish the legislative study committee and to provide for the continuing operation of standing committees of the House, from the committee on Executive Departments and Administration to Statutory Revision.

Adopted.

Rep. Hayes requested a six day extension on HB 583, to prohibit the use of trawls for the taking of fish from the ocean waters of New Hampshire, and HB 587, establishing limits on the season for taking wild deer.

Granted.

#### THE SPEAKER'S RULING ON RULE 16 — MAY 4

The Chair announces that he has had a request from the member from Manchester, Mr. Vachon, for an explanation of Rule 16; and before making the explanation, the Chair would apologize to the member from Chester, Mr. Benton because last week on one of the roll calls, the Chair told Mr. Benton that the conflict of interest rule was Rule 17 and it has been changed back to Rule 16 again. For any member during the session who is trying to take the conflict of interest rule on any question, the correct number is 16. It was 16 last year during the regular session, 17 during the special session. Now its back to 16 again because of renumbering and changing of the rules.

The key question in the conflict of interest is the very first paragraph, the very first line of it. It says "No member shall vote on any question in which he is directly interested." Now, it is obvious in a 400 member House with \$100 a year annual compensation, that nobody supports themselves with their legislative activities. The question of direct interest from time immemorial has been left to the discretion of the individual member. There are certain guidelines that come forth. If I were an insurance agent, I would have no qualms in voting on insurance bills. Because of the fact that I represent a trade association of insurance agents, over the years when bills my asociation has been interested in have come up, I have taken Rule 16. The key situation being if I am an insurance agent, I see no conflict in voting on insurance agent bills. When I represent a group of agents, then there is, in my mind at least, a conflict of interest and so the Chair has followed that procedure. Each member has to make his own judgment. There is also Article 7 Part 2 of the Constitution that says you should not take fees or act as counsel on a given situation. In essence, each member of the House can let his own conscience be his guide as to whether or not he is directly interested as spelled out by Rule 16. As a general rule, the Chair would state that if a member . . . for instance there

are many members of the House over age 65, and just because they are over age 65 doesn't mean they shouldn't vote on retirement bills or tax relief to the elderly because they are in that case only one part of the whole class and they are not a spokesman. If a member over 65 was a paid representative of a group of senior citizens, then the Chair would feel that the member ought to take Rule 16. But in the last analysis, the Chair cannot interpret what a member's interests are or when they are directly interested and it has to be left to the discretion of the individual member.

I recognize that this isn't a clear answer, but it is the traditional way it has been done in this House from time immemorial and in essence it is up to the individual to interpret his own situation.

Rep. Vachon: In the same rule, at the bottom of the rule, will you explain to me how it affects the member of a committee that has an interest.

The Speaker: The last sentence of Rule 16 says "In case of such interest of a member of a committee, the fact shall be reported to the House, and another person may be substituted on that question in his place." Traditionally, members have taken Rule 16 in committee without going through the procedure of reporting it to the House. It is filed in the minutes of the committee that a given member has abstained for the purpose of conflict of interest on a committee subject. If a member has conflict for the entire session on a given area then he shouldn't be placed on the committee. That is why the rule is there.

Rep. Dwyer: Do I have the right of abstention?

The Speaker: Rule 17 says every member must vote on every question unless they take Rule 16 which is conflict of interest or unless they ask to be excused by the House. The Chair in his 10 years here has never seen a member request to be excused. I had a request this morning and talked the member out of it. I guess if it had come up and the member insisted, we would have had to interrupt the roll call and take a vote on whether or not to excuse the member for no reason other than the member's desire for further information on the subject matter. But the rule does say each member must vote on each issue unless either excused by the House or by conflict of interest.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, resolutions by caption only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

### LATE SESSION

Third reading and passage by House

(Rep. George Roberts in the Chair)

HB 910, relative to exchange of employees with the federal government in certain cases.

HB 341, to prohibit cancellation of individual accident and health insurance policies due to changes in the physical condition of the insured.

HB 655, relative to renewal of automobile insurance policies.

HB 730, relative to changing unsecured loan limitations of building and loan associations, cooperative banks or savings and loan associations.

HB 737, permitting nonprofit colleges, nonprofit trusts and funds to be participating lenders.

HB 574, to authorize the establishment of the Dover Industrial Development Authority.

HB 544, to provide for review of area school plan and withdrawal after the third anniversary.

HB 739, clarifying the law relative to the board of trustees of New Hampshire colleges and equalizing the expiration dated of appointed university trustees.

HB 751, clarifying the law relative to the board of trustees of New Hampshire colleges and providing for a student member thereof.

### RECONSIDERATION

Rep. James O'Neil, having voted with the majority, moved that the House reconsider its action in passing HB 751 and spoke against the motion.

Motion lost.

HB 546, to define, control and prohibit the littering of public or private property.

HB 822, relative to the enforcement of regulations of the director, division of welfare.

HJR 48, establishing a commission to establish qualifications for real estate appraisers.

SB 58, relative to special and associate justices practicing in district or municipal courts.

HB 598, relative to the employment of youths.

HB 741, relative to limitation on appropriations under the municipal budget law.

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On motion of Rep. James O'Neil the House adjourned at 1:30 P.M.

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*Tuesday, 11May71*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

ALMIGHTY FATHER, giver of all grace, the refuge of all who flee to You, the helper of those in need, and the source of all comfort and strength in the time of sorrow — we take note that two of our number, Rep. Josaphat Lavallee<sup>1</sup> of Manchester and Rep. Barbara Thompson<sup>2</sup> of Rochester, have each lost a loved one since last we met — together we would lift up these families before You, O Father, that in the midst of their sorrow they may be sustained by Your all-compassionate love, strengthened by Your all comforting presence, and endowed by Your most-precious promise of peace. In the midst of sorrow reveal to us that pathway of light and truth that we may go forth in Thy Name, O GOD, always preparing for that place which You have prepared for us. Amen.

(<sup>1</sup>Annette Lavallee, wife of Rep. J. Lavallee)

(<sup>2</sup>Lillian Cooper, mother of Rep. B. Thompson)

Rep. Anderson led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Langley and Noble, the week, illness.

Reps. Keeney and Ruth Griffin, the day, to attend a funeral.

Rep. Lavalley, indefinite, death in family.

Reps. Kidder and Barbara Thompson, the day, important business.

Rep. Charles Cheney, the week, important business.

Rep. Manning, indefinite, illness.

### RESOLUTION

Rep. O'Neil offered the following resolution:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 940 and 941 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 940, abolishing the day care advisory committee. (Murray of Hillsborough Dist. 7 — To Executive Departments and Administration.)

HB 941, relative to the membership of the advisory committee of the state division of welfare and requiring committee approval of certain welfare regulations. (Sweeney of Hillsborough Dist. 26 — To Executive Departments and Administration.)

### SENATE MESSAGES CONCURRENCE

HB 482, relative to bail commissioners.

HB 530, amending the liquidity provisions applicable to building and loan associations, cooperative banks or savings and loan associations.

HB 500, relative to the highway operation of farm vehicles.

HB 577, relative to reporting of fires to the state fire marshal's office.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 60, relative to town liability for domestic animals harmed by dogs. Municipal and County Government.

SB 73, defining and providing for the licensing and regulation of real estate brokers and salesmen; providing for the New Hampshire real estate commission defining its powers and duties; and imposing penalties for violations of this chapter. Executive Departments and Administration.

SB 96, relative to the interest on deposits in credit unions. Banks and Insurance.

SB 103, authorizing the state of New Hampshire to acquire and dispose of industrial facilities. Executive Departments and Administration.

SB 133, relative to the Uniform Reciprocal Enforcement of Support Act. Judiciary.

SB 143, clarifying and making co-equal the terms, shares and deposits and shareholders and depositors under chapter 393 regulating building and loan associations. Banks and Insurance.

SB 149, relative to election procedures of the Contoocook valley school district. Municipal and County Government.

SB 165, relative to recreational roads. Public Works.

## ENROLLED BILLS COMMITTEE REPORT

HB 482, relative to bail commissioners.

HB 500, relative to the highway operation of farm vehicles.

HB 530, amending the liquidity provisions applicable to building and loan associations, cooperative banks or savings and loan associations.

HB 577, relative to reporting of fires to the state fire marshal's office.

Roxie A. Forbes  
For The Committee

BILL PLACED ON CALENDAR UNDER RULE 57  
(Overdue for Report)

Rockingham Delegation

HB 496, redistricting the county commissioners districts in Rockingham county.

Municipal and County Government

HB 566, relative to the taxation of house trailers or mobile homes.

Joint Committee: Executive Departments and Administration;  
Education

HB 576, providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes.

Public Health and Welfare

HB 580, authorizing the certification of certain laboratory facilities for standard testing.

HB 635, to promote competent ambulance service.

Banks and Insurance

HB 649, relative to the administration of the insurance laws.

Placed on Calendar for May 18.

BILL PLACED ON CALENDAR UNDER RULE 43  
(Overdue for Hearing)

Merrimack County Delegation

HB 720, authorizing the county convention to establish the salary of the Merrimack county sheriff.

## Resources, Recreation &amp; Development

HJR 46, directing a study of the feasibility of establishing a state park named for Alan B. Shepard in the area of Derry, Londonderry, Litchfield and Manchester.

Placed on Calendar for May 18.

(Deputy Speaker in Chair)

## COMMITTEE REPORTS

**HB 702**

relative to qualifications for members of a school board. Ought to pass. Rep. Bowles for Education.

Prevents any conflict of interest.

Ordered to third reading.

**HB 712**

relative to the traffic safety fund. Ought to pass with amendment. Rep. Bowles for Education.

Bill, as amended, will carry out the original intent of the General Court and make certain that all net proceeds of the "vanity plate" fund (after cost of administration and other direct costs) will be used *exclusively* for driver training instruction in New Hampshire's high schools.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Exclusive and Mandatory Funding. Amend RSA 262:1-a (supp) as inserted by 1957, 292:1 and amended by 1963, 142:1 and 1969, 244:1 by striking out said section and inserting in place thereof the following: 262:1-a Traffic Safety Fund. The proceeds from original license fees as provided in RSA 262:11 and services fees for initial number plates collected in accordance with RSA 260:10-a, after costs of plates and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. No portion of such funds shall lapse nor be used for any other purposes, nor be transferred to any other appropriation. After all costs of administration of the program each

year of the biennium have been reserved, the balance shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund which shall be paid out on or before September 15 of each year to participating schools prorated on a per pupil basis for those who have completed the driver education program. Subject to final approval by the governor and council, the director of motor vehicles jointly with the commissioner of education shall promulgate and publish rules and regulations governing the courses of instruction and training and determining eligibility of secondary schools to receive monies from said original license fee fund and initial plate fund.

Amendment adopted.

Referred to Appropriations.

### **HB 825**

providing for the election of the state board of education. Inexpedient to legislate. Rep. Bowles for Education.

Neither the sponsor nor any other person appeared to support the bill. The Committee unanimously opposes the concept of the bill.

Resolution adopted.

### **HB 872**

to amend the charter of New England College. Ought to pass with amendment. Rep. Abbott for Education.

Clarifies the corporate authority of New England College. Amendments would make bill effective upon passage.

## **AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon passage.

Amendment adopted.

Ordered to third reading.

(Speaker in Chair)

**HB 624**

banning propeller air driven boats from the waters of New Hampshire. Ought to pass. Rep. Greene for Environmental Quality and Agriculture.

Eliminates a potentially dangerous problem.

Ordered to third reading.

**HB 636**

to expand the authority of water supply and pollution control commission relative to safety regulations for recreational camps and public swimming pools. Ought to pass with amendment. Rep. Greene for Environmental Quality and Agriculture.

Gives statutory authority for supervisory activities now in use.

**AMENDMENT**

Amend RSA 149:24 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

149:24 Swimming Pools and Bathing Places. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications thereof shall have received prior approval by the commission. The commission may make rules and regulations and establish standards, for carrying out the provisions of this section. Such rules and regulations may include regulations relative to safety standards to protect persons using said facilities. Nothing herein shall be deemed to affect the powers of local health officers or the department of health, division of health services, with respect to nuisances.

Amendment adopted.

Ordered to third reading.

**HB 637**

regulating privately owned public campgrounds. Inexpedient to legislate. Rep. Greene for Environmental Quality and Agriculture.

Resolution adopted.

**HB 777**

relative to investigation of certain deaths. Inexpedient to legislate. Rep. David Bradley for Judiciary.

Already covered by duties of medical referees.

Resolution adopted.

**HB 769**

providing for consultation by the labor commissioner with chiropractors relative to changes in workmen's compensation matters. Ought to pass with amendment. Rep. Cate for Labor, Human Resources and Rehabilitation.

Allows disputed settlement to be reviewed by board as it is in other professions.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for consultation by the labor commissioner with chiropractors relative to reasonable value of services.

Amendment adopted.

Ordered to third reading.

**HB 699**

prohibiting the granting of liquor licenses to restaurants in close proximity. Inexpedient to legislate. Rep. Nahil for Liquor Laws.

Resolution adopted.

**HB 792**

relative to the appointment of the town clerk by the selectmen. Inexpedient to legislate. Rep. Randlett for Municipal and County Government.

Resolution adopted.

**HB 811**

changing the name of the Plymouth Village Fire District. Ought to pass. Rep. Randlett for Municipal and County Government.

Ordered to third reading.

**HB 652**

to exclude animals from restaurants and stores that sell food. Ought to pass with amendment. Rep. Donald Howard for Public Health and Welfare.

Makes a specific law in place of existing regulations — adds \$25 fine.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Animals Excluded. Amend RSA 466 by inserting after section 43 the following new sections: 466:44 Restaurants and Food Stores. No person shall bring any animal into any restaurant or any store that sells food and no person shall allow any animal to enter or remain in any restaurant or in any store that sells food, except for seeing-eye dogs leading blind persons. Whoever violates the provisions of this section shall be fined not more than twenty-five dollars.

466:45 Responsibility of Cities and Towns. Every city and town shall inform every restaurant and every store that sells food in such city or town of the provisions of section 44 hereof.

Amendment adopted.

Ordered to third reading.

**HB 656**

to provide for the regulation of temporary barbers' licenses. Inexpedient to legislate. Rep. Gordon for Public Health and Welfare.

Present law is satisfactory as is.

Resolution adopted.

**HB 694**

prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products. Inexpedient to legislate. Rep. Edward Johnson for Public Health and Welfare.

This bill is premature because of pending federal legislation.

Resolution adopted.

**HB 723**

authorizing the state to seal any equipment, vehicle or facility adjudged to be creating an immediate hazard to health. Inexpedient to legislate. Rep. Bernard for Public Health and Welfare.

Definition of emergency powers not specific enough.

Resolution adopted.

**HB 775**

to require the welfare department to notify recipients in writing of changes in policy. Inexpedient to legislate. Rep. Noyes for Public Health and Welfare.

Recipients now notified of general policy changes.

Resolution adopted.

**SB 71**

establishing a study committee to report on the feasibility of making available state owned recreational areas to disadvantaged New Hampshire residents. Ought to pass. Rep. Goodrich for Public Health and Welfare.

Ordered to third reading.

**HB 622**

relative to regional sewage disposal plants. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Ordered to third reading.

**HB 778**

requiring license examinations of drivers and safety inspections of vehicles involved in fatal accidents. Inexpedient to legislate. Rep. Hamel for Transportation.

Motor Vehicle Division has the power at present to accomplish the intent of this bill.

Resolution adopted.

**HB 821**

relative to speed limits for certain heavy vehicles on limited access highways. Inexpedient to legislate. Rep. Hamel for Transportation.

Committee felt this bill would cause confusion and is not necessary.

Resolution adopted.

**SB 67**

to permit a licensee forty-eight hours to present license and registration to law enforcement officials after a lawful request therefor. Ought to pass. Rep. Hamel for Transportation.

The holder of a *valid* license would be given forty-eight hours to present it at the office of the arresting officer.

Ordered to third reading.

**HB 125**

providing for an exemption, except to corporations, of two thousand dollars from the business profits tax. Inexpedient to legislate. Rep. Brocklebank for Ways and Means.

Would result in a great deal more investigative work for the Tax Commission personnel and introduce new opportunities for tax evasion.

Resolution adopted.

**HB 513**

extending the room and meals tax to include tenancies of less than three months in apartment dwellings. Inexpedient to legislate. Rep. Brocklebank for Ways and Means.

Would be difficult and possibly impossible to administer and collect.

Resolution adopted.

**HB 676**

to provide that a town may require that a list of the names of persons receiving exemptions from real estate taxes for persons over seventy years be included in the annual town report. Inexpedient to legislate. Rep. Blain for Municipal and County Government.

Rep. Gordon moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Hanson, Lyons, Gerry Parker, Hardy and Brungot spoke against the motion.

Rep. Chamberlin spoke in favor of the motion.

(discussion)

Rep. Merrill moved the previous question; sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

### **HB 828**

relating to action by the budget committee prior to a special meeting. Ought to pass. Rep. Hanson for Municipal and County Government.

Ordered to third reading.

### **HB 542**

to require cities and towns to provide tax maps. Ought to pass. Rep. Mann for Liquor Laws.

Rep. Elmer Smith moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Reps. Hanson, George Roberts, Trowbridge and Frizzell spoke against the motion.

(discussion)

Motion lost.

Ordered to third reading.

The Speaker called for the Special Order for 12:15 on Ways and Means Committee Report.

Reps. Menge and Beckett made a presentation on behalf of the Ways and Means Committee.

(Rep. George Roberts in the Chair)

**RECESS**

## AFTER RECESS

(Speaker in the Chair)

**HB 763**

to abolish capital punishment. Majority; Inexpedient to legislate. Rep. Healy for Judiciary. Minority: Ought to pass, Reps. Bradley, David H., Andrews, Drabinowicz, Nighswander, Brungot, Theriault and Underwood.

Abolishes capital punishment with no exceptions.

Rep. David Bradley moved that the words, ought to pass, be substituted for the majority report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Healy moved that HB 763 be indefinitely postponed and spoke in favor of the motion.

Reps. Theriault, Woodward, Huot and Brungot spoke against the motion.

(discussion)

Reps. Wilfrid Boisvert and Van Gardner spoke in favor of the motion.

Rep. Vachon moved the previous question; sufficiently seconded.

Adopted.

HB 763 was indefinitely postponed.

**HB 667**

relative to collective bargaining by public employees of any political or civil subdivision of the state. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

This is *not* a comprehensive collective bargaining bill. Committee has such bills but they require an appropriation of about \$30,000. This is an attempt to leave bargaining at the local level, as it now is, but to provide the necessary machinery when trouble occurs.

Rep. Shirley Clark explained the bill.

Rep. George Roberts moved that HB 667 be laid on the table.

Adopted.

**HB 608**

providing for off-track wagering on certain dog and horse races within and without the state and creating the off-track wagering agency to administer the same, and making an appropriation therefor. Inexpedient to legislate. Rep. Leavitt for Ways and Means.

This bill as written appeared unworkable to the committee. The experience of other states should be studied further, but accurate information was not provided.

Rep. Sayer moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

Rep. Sayer moved to dispense with the reading of the amendment.

Adopted.

Rep. Sayer explained the amendment.

(discussion)

Reps. McLane, Spirou, Gerry Parker, Levy and James O'Neil spoke against the motion.

Rep. Lawton spoke in favor of the motion.

Rep. Dion moved the previous question and it was sufficiently seconded.

Adopted.

Rep. McLane requested the yeas and nays; sufficiently seconded by five members.

**ROLL CALL**

YEAS: 140      NAYS: 206

**YEAS****MERRIMACK COUNTY:**

Andrews, Hardy, Reddy, Riley, Gamache, Gordon, Thompson, Doris L., Dempsey, Chapley, Miner, Howland.

**ROCKINGHAM COUNTY:**

Boucher, Adams, Gay, Read, Senter, Gelt, Morrison,

O'Neil, Robert E., Sayer, Smith, Philip A., Schwaner, Sewall, Casassa, Maynard, McEachern, Dame, Palfrey, Woods.

STRAFFORD COUNTY:

Canney, Smith, Elmer C., Cochrane, Joncas, Chasse, Herbert, Dunlap, Tripp, Peabody, Raymond B., Fellows, Young, Kinney, Parnagian.

SULLIVAN COUNTY:

Campbell, Barrows, Burrows, D'Amante, Saggiotes.

BELKNAP COUNTY:

Urie, Lawton, Hood, McCarthy, Drouin.

CARROLL COUNTY:

Howard, Donald K., Cox, Davis, Esther M., Lagroe, Webster.

CHESHIRE COUNTY:

Forbes, Cournoyer, Forcier, McGinness.

COOS COUNTY:

Bushey, Brungot, Theriault.

GRAFTON COUNTY:

Rich, Stevenson, Malcolm J., Tilton, Higgins, McGee, Brummer, Chamberlin, Anderson, Radway, Foster, Hopkins, Buckman, Sears, Mitchell.

HILLSBOROUGH COUNTY:

Eaton, Joseph M., Withington, Monier, Weilbrenner, Daloz, Murray, Karnis, Eaton, Clyde S., Belzil, Belcourt, Lesage, Trombley, Drabinowicz, Mason, Demarais, Gardner, Cleon J., Lachance, Chamard, Aubut, Grandmaison, Ouellette, Sirois, Coutermarsh, Alukonis, Bednar, Rodgers, Dwyer, Lyons, Bridges, Ackerson, Bourassa, Dion, Duhaime, Armand L., Culity, McDermott, Welch, John L., Barrett, Clancy, Healy, Lynch, John T., McDonough, Boisvert, Emile E., Leclerc, Si-

mard, Chevrette, Derome, Raiche, St. Onge, Robinson, Lynch, Doris T., O'Connor, James P., Clear, Lamy, Levasseur, Martineau, Allard, Brunelle, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

## NAYS

### MERRIMACK COUNTY:

Sherman, Parker, Harry C., Hanson, Enright, Little, Bartlett, Avery, Perkins, Burleigh, Piper, Greeley, Mattice, Humphrey, James A., Michels, York, Edward H., Davis, Alice, Haller, McLane, Underwood, MacDonald, Sanders, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Tarr.

### ROCKINGHAM COUNTY:

Fernald, Stimmell, Wilson, Helen F., Griffin, Margaret A., MacGregor, Lovell, Clark, Ernest D., White, Palmer, Spollett, Cummings, Charles E., Benton, Goodrich, Twardus, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Hamel, Randall, Cheney, George L., Fiske, Cunningham, Leavitt, Greene, Hammond, Keefe, Chandler, Quirk, Bowles, Jameson, Levy, Croft.

### STRAFFORD COUNTY:

McIntire, Stevenson, Douglas M., Clark, Shirley M., Tirrell, Maloomian, Habel, Boire, Towle, Ineson, Ruel, Beaudoin, Sylvan, Preston, Balomenos, Leighton, Bernard, Webber, Mudgett, DeWolfe, Richardson. Harriett W. B., Maglaras.

### SULLIVAN COUNTY:

Townsend, Chase, Donald R., Gaffney, Rousseau, Nahil, Spaulding, Roma A., Downing, Flint, Frizzell, Galbraith, Fleming, Williamson.

### BELKNAP COUNTY:

French, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Huot, Head, Dulac, Randlett, Maguire, Whittemore.

### CARROLL COUNTY:

Hayes, Conley, Chase, Russell C., Claffin, Hughes.

## CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Trowbridge, Yardley, Allen, Bennett, Coughlin, Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Saunders, Heald, Cleon E., Streeter, Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

## COOS COUNTY:

Cook, Huggins, Noyes, Hunt, Mayhew, Drake, Lee, Burns, O'Hara, Oleson, Dubey, Fortier, Roy, Desilets, Studd, York, Elmer H., McCuin, Bouchard, Gagnon, Richardson, Mabel L.

## GRAFTON COUNTY:

Gardner, Van H., Mann, Ezra B., Bradley, David H., Nutt, Gemmill, Dow, Duhaime, Roger M., Tremblay, Dudley, Merrill, Altman, Blain, Bell, Bradley, Richard L.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Sawyer, Barnard, Knight, Poehlman, Colburn, Mann, Arthur F., Heald, Philip C., Warren, Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Parker, Gerry F., Cote, Margaret S., O'Neil, Robert, Davidson, Bissonnette, Gabriel, Peabody, Arthur H., Harvell, Van Loan, Abbott, Daniels, Zachos, Montplaisir, Murphy, Francis, Bruton, Cote, Joseph L., Spirou, Sysyn, Champagne, Lemieux, Belanger.

Rep. Soule abstained under Rule 16.  
and the motion failed.

Rep. Vey wished to be recorded as voting in favor of HB 608.

Question being on the adoption of the committee resolution.

Resolution adopted.

(Deputy Speaker in the Chair)

**HB 144**

exempting the first six thousand dollars for profit earned by an individual from the business profits tax. Inexpedient to legislate. Rep. Twardus for Ways and Means.

Would result in a great deal more investigative work for the Tax Commission personnel and introduce new opportunities for tax evasion.

Rep. Read moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Brungot spoke in favor of the motion.

Rep. Reddy moved that HB 144 be made a special order for 11:02 tomorrow and spoke in favor of the motion.

Motion adopted.

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Rep. Frizzell withdrew her motion of reconsideration on SB 16, relative to the establishment of the position and salary of the associate justice and deputy clerk of the Nashua District Court.

## SENATE MESSAGES CONCURRENCE

HB 910, relative to exchange of employees with the federal government in certain cases.

## SENATE NON-CONCURRENCE IN ADOPTION OF HOUSE AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 58, to prohibit any special justice or associate justice of a district or municipal court from practicing law in any district or municipal court. The President appointed Sens. Koromilas and Leonard.

Rep. Zachos moved that the House accede to the request for a committee of conference. The Speaker appointed Reps. Frizzell, Healy and Margaret Griffin.

## ENROLLED BILLS REPORT

HB 265, prohibiting the use of motor boats on Mirror Lake in Woodstock.

HB 910, relative to exchange of employees with the federal government in certain cases.

HB 589, legalizing certain town meetings in the town of Windham.

Roxie A. Forbes  
For the Committee

Rep Vachon for the Manchester Delegation offered the following Resolutions:

### RESOLUTIONS

*Whereas*, we have learned with sorrow of the passing of Annette Lavallee, wife of Representative Josaphat Lavallee of Manchester, therefor be it

*Resolved*, that we, the members of the New Hampshire House of Representatives in General Court convened, do hereby extend our sincere sympathy to Mr. Lavallee in his loss, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to him.

\* \* \*

Unanimously adopted.

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Six day extensions were granted as follows:

HB 532, constituting the Merrimack district court, Rep. Zachos.

HB 619, amending the New Hampshire unit ownership of real property act, Rep. Hanson.

HB 617, permitting secretary of state to return to sender incorrect checks received as payment of fees, Rep. Shirley Clark.

HB 632, relative to an assistant county attorney for Rockingham County, Rep. Casassa.

On motion of Rep. Shirley Merrill the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills by title only, resolutions by caption only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

Adopted.

## LATE SESSION

Third reading and passage by House

HB 702, relative to qualifications for members of a school board.

HB 872, to amend the charter of New England College.

HB 624, banning propeller air driven boats from the waters of New Hampshire.

HB 636, to expand the authority of water supply and pollution control commission relative to safety regulations for recreational camps and public swimming pools.

HB 769, providing for consultation by the labor commissioner with chiropractors relative to reasonable value of service.

HB 811, changing the name of the Plymouth Village Fire District.

HB 652, to exclude animals from restaurants and stores that sell food.

SB 71, establishing a study committee to report on the feasibility of making available state owned recreational areas to disadvantaged New Hampshire residents.

HB 622, relative to regional sewage disposal plants.

## RECONSIDERATION

Rep. Daloz, having voted the majority, moved that the House reconsider its action in passing HB 622, and spoke against the motion.

Motion lost.

SB 67, to permit a licensee forty-eight hours to present license and registration to law enforcement officials after a lawful request therefor.

HB 828, relating to action by the budget committee prior to a special meeting.

HB 542, to require cities and towns to provide tax maps.

On motion of Rep. Dunham, the House Adjourned at 5:47 P.M.







